



INTER-GOVERNMENTAL RELATIONS IN SOUTHERN SUDAN

Findings from Interviews with
Government Officials and Legislators
at the GoSS and State Levels

Conducted October 2007 - April 2008

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The National Democratic Institute (NDI) is a nonprofit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices and institutions. NDI works with democrats in every region of the world to build political and civic organizations safeguard elections and promote citizen participation, openness and accountability in government.

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Build Political and Civic Organizations: NDI helps build the stable, broad-based and well-organized institutions that form the foundation of a strong civic culture. Democracy depends on these mediating institutions-the voice of an informed citizenry, which link citizens to their government and to one another by providing avenues for participation in public policy.

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International cooperation is key to promoting democracy effectively and efficiently. It also conveys a deeper message to new and emerging democracies that while autocracies are inherently isolated and fearful of the outside world, democracies can count on international allies and an active support system. Headquartered in Washington, D.C., with field offices in every region of the world, NDI complements the skills of its staff by enlisting volunteer experts from around the world, many of whom are veterans of democratic struggles in their own countries and share valuable perspectives on democratic development.

PREFACE

With the signing of the Comprehensive Peace Agreement (CPA) on January 9, 2005, Southern Sudanese gained the right to create, for the first time, their own semi-autonomous government in addition to direct participation in running the affairs of the country at the national level. This opportunity was joyously welcomed, but officials faced an enormous task: create a government from scratch in a region that had experienced 21 years of conflict. Little infrastructure existed, roads covering the vast distances of the region were few, communication facilities were non-existent and the capacity of the population was low. Less than three years later, as this study was being conducted, there was a fully functioning central government in the South, three independent branches of that government and ten working state governments with their own independent branches.

Not only did officials create a government where none had been, but they also embarked upon the creation of a new type of government. In a region that had experienced government only from the national center in Khartoum, Southern Sudan's leaders chose to shape a government based on the concept of decentralization as elucidated in the CPA. The Southern Sudan constitution they drafted prescribes a government where power is devolved from the Southern center to the Southern states and where most policy originates at the local level. To explore this ground-breaking transition, NDI engaged in a series of 115 interviews with Southern Sudanese government officials at the end of 2007 and the beginning of 2008. Officials in each of the ten Southern states were interviewed, as were Southern Sudan Legislative Assembly (SSLA) members and officials in the Government of Southern Sudan (GOSS) executive in the capital, Juba. The interviews were designed to chronicle the embryonic government's successes and failures in realizing the federal ideal it had set for itself. It is hoped that by identifying obstacles and solutions to that ideal this study will aid officials in navigating their way toward the democratic and fully realized decentralized government they envision.

Report Structure: Due to the volume of information contained in this study, the main text of the report is divided into categories that can be read independently. Each section begins with a summary of the findings on that topic followed by recommendations – suggested by the officials themselves or drawn from the findings – that are relevant not only to the Government of Southern Sudan but to the international community and others that wish to see the GOSS succeed. Also in the main text of the study are direct quotes from the interviews and a label at the end noting what type of official was quoted. To protect the anonymity of those interviewed, locations are not listed unless it is pertinent to the point being made, and only generic titles are used. State officials always have the word 'state' in the label, except for those titled 'SLA Member.' SLA is an abbreviation for state legislative assembly. If the designation is 'Top SLA Member,' it refers to an interview with either the Speaker or Deputy Speaker of a state legislative assembly. A 'Top State Executive' label refers to an interview with either a Governor, a Deputy Governor or a state Secretary General. The term 'SLA Staff Member' indicates the interview was with either the Clerk or the Deputy Clerk of a state legislative assembly. All other designations include the title of the interviewee's position, such as Minister, Director General or Undersecretary.

Study Distribution: The results of this study were previewed at the March 2008 Governors' Forum. Since that time, NDI staff have traveled to several states to share the findings with those interviewed and other state officials. Plans are underway to visit all Southern states to share the results. In addition, a number of GOSS executive officials and SSLA members have been briefed in Juba, though a broader distribution will be undertaken with that population as well. Because of the positive response to the study, NDI will explore partnerships with other organizations to determine how the results can be utilized to further inter-governmental relations.

Many NDI staff worked diligently to secure interviews with busy government officials, often having to return to offices many times before an interview was completed. Program Assistant Achan Ramlat has touched almost every aspect of this project, from getting appointments to conducting interviews to transcribing discussions. Program Officer Mary Kagunyi was the chief coordinator of the project, training interviewers and conducting many interviews herself. Senior Program Officer Dan Vexler assisted with several interviews as well. Country Director Kym McCarty supervised planning for the project and approved the final guideline. NDI Senior Advisor Traci Cook designed the interview guideline, analyzed all transcripts and is the author of this report.

This study is a departure from NDI's normal public opinion program, but the opportunity to examine the inner-workings of the newly formed GOSS proved to be fruitful. Government officials are justly proud of what they have accomplished thus far but do not underestimate what they yet need to achieve. All those interviewed agree that good inter-governmental relations are the first step to GOSS success. To paraphrase one of the officials in this study, the different levels of government within the GOSS represent the different parts of one body. It will take them all working together to thrive.

EXECUTIVE SUMMARY

During the interviews, all government officials were asked to name the one issue that must be addressed to ensure the success of the Government of Southern Sudan. On the whole, officials focus on five areas: state economic viability, economic diversification, corruption, civil service competency and security. Weak inter-governmental communication, including confusion about powers and competencies, and tribalism are also mentioned as obstacles that can thwart the GOSS's progress. Officials' thoughts on stumbling blocks and opportunities for GOSS success are summarized below, followed by a set of recommendations suggested by the officials themselves or drawn from the findings. More information about each key finding can be found in the corresponding section in the main text.

KEY FINDINGS

- 1. Decentralization is fully embraced by government officials, but state autonomy is adversely affected by almost complete financial dependence on the GOSS. All agree states will only gain full autonomy when they become economically viable.**

RECOMMENDED ACTIONS:

- Prioritize the passage of a GOSS tax law that clearly defines tax jurisdictions for states.
- Create a comprehensive training program for state staff in the identification of local revenue sources and tax collection methods.
- Develop a policy on GOSS loan assistance to states.
- Conduct a state-by-state analysis of investor opportunities and include states in efforts to recruit investors.
- Prioritize the passage of pension legislation in the SSLA so that states can reduce workforce numbers and free up critical resources.

- 2. Routine inter-governmental communication lacks standardization and fails to keep officials adequately informed. This results in uneven distribution and knowledge of important GOSS policy decisions and laws.**

RECOMMENDED ACTIONS:

- Conduct a communication audit ministry-by-ministry to uncover obstacles and identify solutions for smooth information flow.
- Standardize procedures for communicating important GOSS policies and laws to the states.
- Employ multiple communication channels simultaneously to ensure important information is received in the states.
- Prioritize the establishment of communication networks in states without them and upgrade

equipment in those with some existing capacity. Consider the installation of internet capabilities in all key state government offices.

- Develop extensive English language training programs for employees in predominantly Arabic-speaking states.

3. Rigid budget ceilings, delayed funds transfers and small state budget allocations severely limit the states' ability to deliver development. Some state and GOSS officials are skeptical of the states' ability to properly account for additional funds from GOSS.

RECOMMENDED ACTIONS:

- Prioritize the identification and development of non-oil revenue streams to create a more stable revenue pool.
- Identify budgeting methods, perhaps through the creation of a flexible budget ceiling, that better reflect state priorities.
- Improve GOSS communication about the budget ceilings through projections and continuous information flow to the states on timing and delays.
- Consider mechanisms for incorporating state concerns into the SSLA budget debate.
- Open a dialogue between states and the GOSS concerning the strategy for overall resource distribution in the government.
- Assist the states to increase their auditing capabilities through training and the standardization of auditing systems and other financial control mechanisms across all states.
- Strengthen the Southern Sudan Audit Chamber so that it can 'certify' states as meeting GOSS standards.

4. Investment in the development of a qualified, competent government workforce at all levels is necessary to achieve the vision of Southern Sudan.

RECOMMENDED ACTIONS:

- Devote increased resources to government training programs.
- Enforce merit-based hiring regulations.
- Devise a comprehensive, multi-phased and multi-year strategy that outlines a clear path to the realization of the mandated quota for women's representation in government.
- Extend the outreach of the Ministry of Finance on budgeting issues to the SLAs and provide training to SLA members on budget analysis.
- Develop a sector-specific training program for SSLA members according to their area of oversight and enhance members' overall level of budget competency.

5. Officials say corruption is a problem at all levels of government that must be addressed if the South is to prosper. There is a strong desire to fight corruption, and the mechanism that almost all see as vital to reducing corruption is the Anti-Corruption Commission and its state counterparts.

RECOMMENDED ACTIONS:

- Make passing the Anti-Corruption Commission legislation a priority.
- Empower anti-corruption officials through legislation and funding and devote more resources to the government's anti-corruption strategy.

- Support state efforts to impose stricter financial controls.
- Determine and communicate standard guidelines for the prosecution of corruption cases.

6. Security is a top priority for state officials who want the GOSS to focus on civilian disarmament, border protection and, in the case of Greater Equatoria, interactions between soldiers and civilians. State officials have widely varying views of what the role of the Ministry of Interior should be in helping maintain security.

RECOMMENDED ACTIONS:

- Concentrate on expanding security gains to all parts of the South through disarmament, peace-building and, when necessary, the deployment of security forces.
- Create a forum in which states and the Ministry of Interior can discuss security roles and responsibilities.
- Continue and expand civilian disarmament programs.
- Open a dialogue between the SPLA leadership and Equatorian state officials on the role and behavior of soldiers.

7. The CPA has helped to bring Southerners together but more needs to be done to solidify the fragile unity, especially among those living in Equatorian states.

RECOMMENDED ACTIONS:

- Revitalize South-South dialogue efforts to promote a sense of common purpose among Southerners.
- Develop a comprehensive plan to mitigate the negative impact of tribalism through multiple interventions, both locally and region-wide.

8. Competencies and powers of states and the GOSS need to be further clarified, particularly in the areas of appointments, the judiciary, the police, county creation and customs.

RECOMMENDED ACTIONS:

- Clarify powers and competencies through actions such as GOSS policy statements, joint state-GOSS task forces and/or passage of laws, beginning with the five priority policy areas that states have identified.

I. GOVERNMENT PERFORMANCE

SUMMARY:

Officials believe the GOSS has performed well in the face of many obstacles, not the least of which was creating a government from scratch. State officials give themselves high marks because they have made some strides in security and development. GOSS officials rate state performance somewhat lower. SSLA members rate their performance as good-to-very good and are particularly proud of their ability to fulfill their constitutional duties despite being an ethnically diverse institution. To improve upon the performance of the GOSS, government officials feel multiple issues must be addressed. These include: state economic viability, economic diversification, corruption, civil service competency and security.

RECOMMENDED ACTIONS:

- Develop a strategy to improve the economic viability of the states.
- Prioritize the identification and development of non-oil revenue streams.
- Empower anti-corruption officials through legislation and funding and devote more resources to the government's anti-corruption strategy.
- Initiate training programs for employees at all levels of government.
- Concentrate on expanding security gains to all parts of the South through disarmament, peace-building and, when necessary, the deployment of security forces.

1. The Government of Southern Sudan (GOSS) is viewed as having done a good job thus far, given the tough task it faced coming out of war.

The enormity of the task in creating a government out of nothing and the progress made thus far in a difficult environment are the primary reasons cited by government officials for their rating of the performance of the GOSS in the first three years of the interim period as 'good.'¹ Almost all those interviewed believe that the GOSS is trying its best to create an effective government that can ultimately deliver much-needed services to the people of Southern Sudan. Although a great deal is still to be done, most say the GOSS has made significant strides, including the creation of the three branches of government and the state governments. The GOSS also gets credit for an overall improvement in the security situation and for some early signs of development. Officials note that the GOSS must conduct its work under significant limitations, such as dependence on oil revenue controlled by Khartoum. The few who say the performance of the GOSS is only fair or poor are dissatisfied with the level of support given to the states and the lack of services, especially in health and education, available to the population.

¹ Interviewees were asked to rate the GOSS performance on a scale that included the following choices: poor, fair, good, very good, excellent.

I rank [the performance of] the GOSS good because the GOSS has done so many improvements in terms of development and setting up all government structures all over the ten states from nothing (Top State Executive)

The performance of the GOSS is very good, because the GOSS has a big task of shifting from war to peace. It is a drastic change shaping people from wilderness to peace. (SLA Member)

The performance of the GOSS is good. They are trying to give services to the people. They are trying hard to improve security. They are also trying very hard to improve infrastructure with the resources they have. (Top State Executive)

I think we're doing well. I think we are trying our very best, given that when we came following the peace agreement there was no functional government, there were no services, no power, no roads, no nothing. So, I think the government has done its very best. (GOSS Minister)

[The GOSS performance is] poor because the GOSS still has some problems solving issues down in the communities. Even this problem of corruption the GOSS is not solving it in the whole South and it's still going on. (SLA Staff Member)

We've really not done much in the states looking at the last three years. Hospital services are still poor, provision of drinking water is fair, education is only in some towns but completely not in the villages. (State Minister)

2. State officials believe their performance merits relatively high marks because there has been some improvement in security and development in the states. GOSS officials rate the states' performance slightly lower.

In rating their own performance, state officials say they give themselves slightly higher marks than they do the GOSS because they are working hard for their citizens and are beginning to see results. They count among their successes an increase in security, greater availability of health facilities and/or personnel, infrastructure improvements and larger numbers of students in school. All of which was achieved with few resources. Most feel that the only thing holding them back from improving their performance is funding. They have the policies and plans; now they only need the resources. GOSS officials interviewed rate the performance of state governments slightly lower, in the fair-to-good² range.

They [states] are doing very well because we are just starting the system. We have just emerged from a war situation and to turn the situation around to peace is not an easy one. (Top State Executive)

It [state performance] is good given the reasons that we have maintained peace and stability, we are able to repatriate, through the effort of UNHCR, IDPs and refugees. We are opening feeder roads. We are drilling boreholes. Education is very good because the ministry is paying them well, and there is incremental improvement in the enrollment of children. And business is booming despite the fact that the roads are very bad. (Top State Executive)

² Interviewees were asked to rate state government performance on a scale that included the following choices: poor, fair, good, very good, excellent.

My state government is okay because we have faced a lot of security problems and now we have managed to get rid of them. In terms of development, we have managed to install our electricity and also worked on our roads among other things. (Top SLA Member)

Performance of state government is fair. The GOSS is giving the money [to states], but nothing is done (GOSS Minister)

Although the ratings are relatively high, no one believes the performance of the state governments has yet reached a satisfactory level for the long term. Most officials feel, as one state assembly member said, “The state government must do more to satisfy the needs of its people.”

3. Based on their ability to work cohesively despite being ethnically diverse, Southern Sudan Legislative Assembly (SSLA) members say their performance has been good-to-very good.³

SSLA members believe they have capably executed their constitutional duties, rating their performance as good-to-very good. They are especially proud of the geographic and ethnic diversity of the Assembly and their ability to work together effectively. Capacity building and training are needed,⁴ however, to allow the Assembly to fully perform its oversight and representation roles. Very few GOSS officials choose to speak of the SSLA’s performance, but one who did feels the Assembly members need to improve the level of service they provide to their constituents.

[The SSLA] performance is good. We have managed policies, work plans and passed bills. (SSLA Member)

[SSLA performance is] excellent because you see the Speaker comes from Central Equatoria, the deputy from Northern Bahr El Ghazal, the clerk from Upper Nile and so on. (SSLA Member)

4. To be successful going forward, officials say the GOSS must concentrate on a number of critical issues: state economic viability, economic diversification, corruption, civil service competency and security. Some officials also view communication and reduction in tribalism as of the utmost importance.

There are several keys to ensuring the GOSS’s future success, according to government officials. First, and most importantly for state officials, is greater support to the states. The GOSS must recognize, they say, that it is only as good as its parts and that overall government success requires a higher level of state funding so that services can be delivered to the population. GOSS must also provide assistance to the states in the identification of local revenue streams⁵ to promote their financial viability. Second, officials agree that it is critical for the GOSS to build the economy and diversify its revenue base. Complete dependence on oil revenue, particularly under the current arrangement with Khartoum, is not seen as a viable way forward for the South. Third, the GOSS needs a trained and qualified workforce to realize its vision, and almost all speak of the need for intensive capacity-building

³ Interviewees were asked to rate SSLA performance on a scale that included the following choices: poor, fair, good, very good, excellent.

⁴ For more on capacity issues, see the SSLA section.

⁵ For more on this issue, see the Taxes and Revenues section.

programs at all levels of government. Fourth, a large number of officials believe that corruption must be addressed comprehensively and systematically for the GOSS to move forward. Fifth, security must be maintained. Officials in states that lie either on the North-South border or have significant cattle rustling problems are particularly concerned about this issue. Other areas that deserve GOSS attention include improving inter-governmental communication⁶ and strengthening the government's commitment to addressing tribalism.

[The GOSS must] boost the abilities of the states to deliver, as the success of the states is the success of Government of Southern Sudan. (Top SLA Member)

One good thing GOSS should do is to create its internal resources without going outside so that it performs well and is not depending only on oil. GOSS needs to go outside to look for investors to come (Top State Executive)

Our over-reliance on the oil money is the reason for the shortfalls [in state funding to the states]. We should look for other ways of collecting revenue. (GOSS Minister)

For the GOSS to be successful, it must focus on training the manpower. (SLA Member)

The first thing [to improve GOSS performance] is proper utilization of resources by fighting corruption. (State Minister)

If GOSS is to succeed in its daily activities, then let it improve the security of Southern Sudan. (Top State Executive)

GOSS should bridge the gap of communication between the state government and GOSS structures [to be successful]. (Top State Executive)

Tribalism must be crushed. (GOSS Ministers)

⁶ For more on this issue, see the Communication section of this report.

II. LINKAGES & RELATIONSHIPS

SUMMARY:

Overall, the relationship between the levels of government is solid, according to most officials, though ‘normal tensions’ exist. Tensions between states and the GOSS are related to delayed funding and lack of communication, and tensions between the GOSS and SSLA mostly surface in the debate over budget allocations and the level of ministry consultation. The relationship between the SSLA and the GOSS ministries is uneven and depends largely on the personalities of ministers and committee chairs. There is a strong link between state line ministries and their GOSS counterparts, though relationships between other state ministries and their GOSS counterparts are weaker and not satisfactory to many state officials. The relationship between GOSS and Central Equatoria is complicated by their coexistence in Juba. Relationships between states are positive but limited thus far, though neighboring states communicate more frequently to resolve cross-border issues.

RECOMMENDED ACTIONS:

- Support initiatives that bring GOSS and Central Equatoria officials together to resolve issues that adversely impact their relationship.
- Establish mutually agreeable timetables and rules for GOSS ministries to report to the SSLA.
- Use the Speakers’ Forum and the SSLA-SLA relationship to build the capacity of SLA members, particularly on budgeting, and to communicate SSLA-passed laws.

1. State officials say that the GOSS and the states have a healthy, respectful relationship with no major areas of dispute, though there are ‘normal tensions.’

Overall, the relationship between the GOSS and the states is strong. Although state officials say there are ‘normal tensions’ in their relationship with GOSS, there is a general sense that these are manageable and will diminish as the government ages.⁷ The tensions that exist now are mostly related to delayed funding or lack of communication⁸, according to state officials.

There is a normal tension because the Government of Southern Sudan is still young. We don't have too much tension since we know the government. (Top SLA Member)

There have been no tensions [between the GOSS and the states] since operations began, but there have been delays from the GOSS to the states. This is not actually tension but is just a problem that needs readjustment, such that funds flow constantly to the states. (Top State Executive)

⁷ State officials in Central Equatoria report a higher level of tension and a poorer relationship with the GOSS.

⁸ For more on delayed funding, see the Transfer and Use of Funds section of this report. For more on communication, see the Communication section.

An example of GOSS interference with the state is that they appoint some people from Juba and send them without informing this ministry. (Top State Executive)

2. SSLA members indicate their relationship with the executive overall is strong with few tensions, though they sometimes differ over budget allocations for development.

If any tension with the GOSS exists, SSLA members say, it is related to their role as representatives of the people. In this role their advocacy for increased allocation for development in rural areas can place them at cross-purposes with some members of the executive who may have other priorities. One specific example noted by SSLA members was the discussion on the Constituency Development Fund bill. The bill, which has now passed the SSLA and provides funds to each constituency for limited development projects, was controversial among some members of the executive branch, who felt that it was inappropriate for the legislative branch to be carrying out development.

I think we are cooperating very well simply because we are complementing one another. The relationship is very good. It is only bad during budget time, but we never failed to reach an agreement on any issues that brings dispute. (SSLA Member)

We in the Assembly think that development funds should go to the states because that is where development is. Judging from my experience over the last two budgets, the executive keeps budgeting more for themselves and less for the states. (SSLA Member)

The government tendency is to beat expenditure down, while the SSLA wants expenditure to be raised up so that it can serve the development needs of the people. So the competition [in the GOSS-state relationship] is about the allocation of the budget – which sector should receive more money, which sector shouldn't – and so the Assembly is bound to disagree with the government. (SSLA Member)

There was an instance during the presentation of the Constituency Development Fund. This [fund] is to serve as a way of giving back to the people at the grassroots and to show that the peace is real. Some members of the executive feared that Members were going to be more powerful because they are doing development at the grassroots. (GOSS Minister)

SSLA members note that the relationship between the executive and the legislative branches has improved steadily as officials gain experience and can be bolstered further if the executive exhibits greater respect for the SSLA and if additional mechanisms for dialogue are created.⁹

It [the SSLA-GOSS relationship] has improved for the better. GOSS members are beginning to understand the role of the SSLA in their work. (SSLA Member)

[The SSLA-GOSS relationship has] improved because people did not have experience, and they are getting experience. They realize they are part and parcel of the same government, just different wings and branches. (SSLA Member)

⁹ For more information on executive respect for the SSLA, see the SSLA section of this report. For more information on increased dialogue opportunities, see the Communication section.

The status of the SSLA should be properly recognized [to improve the SSLA-GOSS relationship].
(SSLA Member)

We should institute dialogues and more joint sessions so we interact and discuss issues.
(SSLA Member)

3. SSLA members report generally good relationships with the GOSS ministries, but these are uneven across sectors and often personality-driven. The ministries have not met their obligation to report regularly to the SSLA, members say.

Relationships between the GOSS ministries and the SSLA are determined primarily by the quality of consultation between a ministry and its corresponding SSLA committee. Overall, members report that they have good relationships with most of the ministries. Positive examples they cite almost always focus on a ministry's (or a minister's) cooperation in briefing and reporting to the SSLA, which members feel is implicit recognition of the SSLA's role in the GOSS. In contrast, bad relationships between the SSLA and ministries are said to be the result of a lack of understanding or respect for that role.

There is a good relationship with most of the ministries. (SSLA Member)

The Ministry of Finance is one of the ministries which has a good relationship [with the SSLA] because it recognizes the parliament as an important body of the government. If there is any issue to be discussed the minister comes to the parliament and shares with us. (SSLA Member)

The Ministry of Water and Irrigation is aware of the supervisory role of the Assembly, and at times the minister comes on his own to give an account of his ministry's activities without being summoned.
(SSLA Member)

Most of the blame [for bad relationships between the SSLA and some ministries] is on the learning process and not understanding the role of the SSLA in their work. (SSLA Member)

The Ministry of... has never come to the Assembly... He [the minister] has not even come to find out the initiative of the other members of the Assembly. He is supposed to cooperate with the Assembly to intervene in the solving of problems, but he has never [done so]. (SSLA Member)

SSLA members take seriously their task of monitoring the work of the executive and, in particular, the work of the ministries. They feel very strongly that ministers are obligated to report to them through the submission of quarterly reports and annual workplans. Using these reports, SSLA members then track performance and question any shortcomings. Some members complain that not all ministries are submitting reports and workplans with regularity and SSLA sessions do not include the required minimum number of ministers. They say there is a need to come to an agreement with the executive on reporting timetables. Questioning of ministers is another SSLA oversight tool. Most members report that this questioning has gone well thus far, but also say that that questioning is rare and that a good session is often dependent upon the personality of the minister.

It is a constitutional obligation [that ministers report to the SSLA] because we monitor the ministries. Before implementing any laws they must first bring them for approval, then at the end of the day we question them on the performance and even on the budget. (SSLA Member)

They give us their workplans, and we hold them responsible according to their work plans. They also explain to us their achievements and what they have failed to achieve. (SSLA Member)

They should present their quarterly reports and workplans, but they are not doing it. The reason why they are not doing it could be incompetence or deliberate. (SSLA Member)

It [questioning of ministers] is not going well because we haven't summoned many ministers. (SSLA Member)

It all depends on the personality of the person being questioned. It can go well or poorly. (SSLA Member)

We are supposed to have at least three of the ministers at every sitting so that they carry the message to the other side. The attendance of the ministers is not good. (SSLA Member)

We have to make sure that some kind of agreement can be reached between the parliament and the executive. These should be derived from the constitution, and it has to be implemented letter-by-letter. Say if one is obliged to report to the parliament in three months, one must do that. (SSLA Member)

4. **Direct funding is the foundation for a strong link between line ministries and their GOSS counterparts. However, the Interim Constitution of Southern Sudan (ICSS) requirement for the GOSS to establish good working relationships with state ministries has, on the whole, not been met, state officials say.**

State ministries fall into two categories: those that receive funding through a state's block grant state and line ministries that receive funding directly from their counterpart ministries in the GOSS. It is this financial link between the state line ministries¹⁰ and their GOSS counterparts that is the foundation for a close relationship between the two. Officials in state line ministries see themselves as implementers of directives from their GOSS ministries. As a result, most report significant collaboration – even on a daily basis – with their GOSS counterparts.

In our state we only have two line ministries, that is agriculture and health. These two ministries operate in partnership with the GOSS line ministries. Their budget is being transferred from the GOSS counterpart ministries, and we do not have a problem with that. The other remaining ministries fall under the state authority and anything they need comes from the state budget. (Top State Executive)

Whatever programs we have planned, we have to work hand-in-hand with them [the GOSS counterpart] because they are the policy-makers. The GOSS ministry plans the policy, and we are the implementers. (State Director General in a Line Ministry)

¹⁰ Line ministries differ slightly from state to state, although they are primarily the ministries of agriculture, health and education. Officials in some states say that their physical infrastructure ministries also function as line

We are doing well, and we have our information system connecting us on daily basis, for example, frequent visits and e-mail letters. (State Line Minister)

There is good linkage. The line ministries of the GOSS have linkages with similar ministries of the state. (Top State Executive)

However, relations between GOSS and the other state ministries (i.e. those that are not line ministries) are not as strong, and the majority of state officials interviewed do not believe the ICSS requirement for the GOSS to establish good working relationships with state ministries has been met. The quality of cooperation and collaboration varies from ministry to ministry, and there is a strong sense that state ministries deserve more attention from their GOSS counterparts.

Collaborations have been done in some ministries, but it is very poor in some ministries. (Top State Executive)

This collaboration is not in all the states and GOSS ministries. It is happening in only a few ministries. However, I feel the ministries concerned must establish a good communication system between them. (SLA Member)

Collaboration has been done, but not as much as it is expected by the stakeholders in the governments. (State Minister)

Well, it [collaboration] is one-sided. It is the minister of the state going to the minister in the GOSS but not vice versa. (State Director General)

5. The relationship between the GOSS and Central Equatoria state is complicated by their coexistence in Juba. Land, police and taxes are the central areas of disagreement.

Juba's status as capital of both the GOSS and the Central Equatoria government creates more opportunity for overlap and confusion than in other states. Central Equatoria state officials are much more likely than other state officials to say the GOSS is not respecting their autonomy. GOSS officials, too, acknowledge sometimes difficult relations with the state. One of the areas of concern is revenue collection, both along the international border and within Juba. State officials believe that the GOSS has collected customs taxes and local fees, such as those for license plates, that properly belong to the state. Law enforcement is another area of tension. According to state officials, GOSS police are performing functions like traffic control that are clearly within the purview of the state. The last major area of disagreement between the two governments is land. In 2006, GOSS officials asked their state counterparts to move the Central Equatoria capital from Juba. While this was resolved, the allocation of land in the capital remains contentious. State officials, and some GOSS officials, stress that these areas of overlap require a clarification of powers and competencies. A state director general suggests there is really only one solution to the problem of Juba housing two capitals. He says, "The two governments should create distinctive zones between their areas of administration and operation."

The GOSS still takes what does not belong to them. On the issue of taxes, there are taxes which should accrue from the plate numbers. The GOSS is still taking a certain portion because they are also issuing plate numbers, which is not correct and not according to what is in the Comprehensive Peace Agreement. (CEQ State Director General)

The GOSS is not respecting state autonomy. It is our role to protect the GOSS as we are the host and that is the reason why we should be in control of police. (CEQ State Director General)

Land is also another area of contention. The Government of Southern Sudan wants land, and we agreed to give it to them. But they want it in the area of their choice and a lot of land too. (CEQ Top SLA Member)

The main problem [between the GOSS and Central Equatoria] is the question of land. When the GOSS wants land, Central Equatoria says this is our land and you have no right to it. So there is conflict about who is in charge in Juba. Is it the GOSS or is it the state? (GOSS Minister)

6. Southern Sudanese states interact in limited but cordial ways, although neighboring states meet more frequently to resolve cross-border issues.

Consultation among Southern Sudanese states occurs mostly on an as-needed basis. When it does happen, state officials report that interactions are overwhelmingly positive. Many states have developed somewhat more formal relationships with their immediate neighbors, sometimes out of necessity and at other times with the goal of sharing experiences. In the three years since the GOSS was formed, neighboring states have held conferences and consultations to both resolve short-term threats to peace and to develop longer-term policies and action plans on issues like cattle-rustling and temporary population displacement. Despite this cooperation, few states have formed official alliances with others, with the exception of the three in Greater Equatoria. States on the North-South border have a mixed relationship with states in Northern Sudan, but most officials report productive exchanges with states such as South Darfur and Southern Kordofan.

Our relationship with greater Upper Nile, Central Equatoria and Lakes state is very good, and we share ideas together. We share policies sometimes, especially things to do with the security. We did not form yet any alliances with other states but it comes as ad hoc. (Top State Executive in Jonglei State)

Our relationship with other state governments is excellent. We call conferences and discuss issues affecting our states and resolve border crises. Now we are working towards creating better alliances. Among states, we have principles on how to deal with interstate conflicts, for example resolving cattle rustling issues. (Top State Executive in Lakes State)

The Governors' Forum is helping a lot [in creating state-to-state relationships]. There are a lot of meetings between this state and Jonglei and Eastern Equatoria in respect to the various issues affecting us, like the Dinka cattle grazing and the Murle who abduct children. (Top SLA Member in Central Equatoria State)

We have strong relations with our neighboring states, that is Western-Bahr-El-Ghazal and Warrap. As a government, there has been a contact between Northern Bahr El Ghazal and Southern Kordofan on bi-lateral basis on what is happening at the border. (Top State Executive in Northern Bahr El Ghazal)

7. Though the SSLA and state governments do not have a direct reporting relationship, they interact in various indirect ways, including through the budget process and delegation visits.

Most SSLA and state officials appear to understand that in Southern Sudan's federal system there is no official, direct relationship between the Southern Sudan Legislative Assembly and state governments. Nevertheless, these government bodies interact indirectly, normally through the states' representatives in the SSLA and the submission of the states' budgets to the SSLA through the GOSS Minister of Finance. In the latter case, the state Minister of Finance may appear before the SSLA to clarify budget points. State legislative assemblies also debate and pass laws in compliance with those passed in the SSLA. The SSLA has undertaken outreach activities in the states through visits by specialized committees, such as the human rights and land committees, to share information with state officials. As a result of these efforts, most state and SSLA officials report a good working relationship. The one dissenting opinion is from an SSLA member who says that the relationship between some governors and the SSLA has soured because the governors do not understand or respect the powers of their state assemblies.

We do not have a direct [relationship with the SSLA], but it is through our MPs and through the [state] Minister of Finance when he is representing the budget. (Top State Executive)

All problems affecting the state are major concerns of the SSLA since there is representation from all the constituencies. (SLA Member)

The relationship depends on the [SSLA] members who come from that state, how he or she raises issues of that state. (SSLA Member)

We have a good relationship. The SSLA passes laws or policies in their assembly and gives them to the president for signature, and then they are sent to this state through the governor. Thereafter, the governor brings the law or a certain policy to us for debate in the state parliament. (SLA Member)

The speaker of the GOSS Assembly sends members of specialized committees here to the state to give us some lectures on the experience they have. (SLA Member)

The problem is only with some governors. They have swallowed their assemblies because they think they are the bosses. So the relationship between the SSLA and some governors is very poor, but with the state governments is good. (SSLA Member)

8. The SSLA and State Legislative Assemblies (SLAs) have developed a mutually beneficial relationship of experience and information sharing that has recently been enhanced by the creation of the Speakers' Forum.

Although they share the same function at different levels of government, most SSLA and state officials understand there is no direct constitutional relationship between the SSLA and the state legislative assemblies. In the absence of that, what has developed between the two legislative bodies is a relationship that focuses primarily on experience and information sharing. State legislative assemblies view the SSLA as a sort of 'big brother' that, because of its greater resources, can contribute positively to the development of the SLAs. The SSLA has taken that responsibility seriously by organizing visits

to the states and trainings for SLA members. The creation of the Speakers' Forum, which brings together the SSLA and SLA speakers from all 10 states, is lauded by both state officials and SSLA members as an initiative that will further increase understanding and cooperation.

The state assemblies are autonomous. They don't fall under us. (SSLA Member)

We need the SSLA. Being the big assembly, they have more educated and trained members. They have a complete staff. We need their experience and abilities to promote our performance. (SLA Member)

We have a good relationship. The SSLA is doing a lot of activities in all the ten state assemblies. They give capacity building training for the state members, also to the chairpersons. (SLA Member)

Recently, we have established the Speakers' Forum. This forum brings all the heads of the state assemblies together to form mechanisms and coordination bodies. Whenever they come for this forum they exchange their experiences, talk about the difficulties and problems they face. (SSLA Member)

III. AUTONOMY & POWERS

SUMMARY:

Decentralization is strongly supported by state officials, who say it has become a reality in Southern Sudan with the establishment of state institutions. Officials at all levels of government believe that GOSS is mostly respecting the states' autonomy. However, financial dependency upon GOSS prevents states from achieving full autonomy and at times gives GOSS more power over states than they believe is mandated by Southern Sudan's legal framework. All agree that states will only achieve full autonomy when they begin to collect their own revenues. State officials feel that competencies and powers between the two levels of government need to be clarified in several key areas: state appointments, the judiciary, the police, county creation and customs. GOSS officials do not see the need for clarification, saying the competencies outlined in the CPA and the ICSS provide sufficient definition. SSLA members have mixed views on whether there is need for clarification of powers between their institution and the GOSS executive. Some believe areas of overlap and interference merit further discussion; others say competencies are clear. All officials agree that the government should follow one basic principle of autonomy: the GOSS are the policy-makers and the states are the policy implementers. As a result, state officials are strongly opposed to GOSS implementation activities in their states. Funding, technical support and staff training are the types of GOSS assistance state officials believe are appropriate in the autonomous system. They are comfortable with GOSS monitoring centrally-funded projects in their states but are adamant that GOSS not manage those projects. Most states are respecting the GOSS instruction to communicate with the GONU only through the GOSS.

RECOMMENDED ACTIONS:

- Clarify powers and competencies through actions such as GOSS policy statements, joint state-GOSS task forces and/or passage of laws, beginning with the five priority policy areas that states have identified.
- Undertake broader consultation within the SSLA to determine if further dialogue with the executive on powers and competencies is needed.
- Review GOSS projects in the states to determine if implementation aspects can be turned over to the states.

1. **The federal system of government is enthusiastically embraced by state officials, who say it has been faithfully implemented by a GOSS that is largely respecting the autonomy of the states. GOSS officials concur that states are exercising a great deal of autonomy.**

State officials express unwavering support and enthusiasm for Southern Sudan's federal system.¹¹ Decentralization brings decisions and development closer to the people, they say, and ensures that

¹¹ As agreed to in the CPA, all of Sudan operates under a federal system of government.

power is distributed throughout the region instead of being concentrated in Juba. Federalism in Southern Sudan is seen as a reality, not just an ideal. State officials speak proudly of how it has been put into practice, unlike during previous governments when local institutions simply existed to rubber-stamp centrally-developed policy. The protections of the Comprehensive Peace Agreement (CPA), the ICSS and the establishment of the states' three branches of government give state officials additional confidence that their autonomy is an integral and immutable part of the Southern Sudan government.

For sure, the system we have in Southern Sudan is very good. This is to say that power is not concentrated in one place in the hands of GOSS, rather it is divided. The states have their own powers, and the GOSS has its own. (Top State Executive)

The decentralized system in South Sudan is very, very excellent especially in the creation of the states. In Numeiri's time, [the states] would have been rubber-stamping institutions, but at the moment they are for real. (State Minister)

I think the federalism in Southern Sudan is a real federalism. In practice, we are now exercising our autonomy in every respect without intervention from the GOSS or GONU. (State Minister)

This state has the autonomy as defined in the CPA and Interim Constitution of Southern Sudan. For example, our parliament passes good laws, we execute our own policies without consulting the GOSS, we formulate our own taxation regulations and we run our own administrative system of government. (Top State Executive)

This state is autonomous because we in the state here have three arms of the government, which are totally independent. Those are the executive, legislative and judiciary which do carry out their duties without interference (State Minister)

The view of most state and GOSS officials is that the GOSS is either respecting the autonomy of the states or at least is doing more to respect it through recent actions, such as involving the states in planning. Officials believe that autonomy will increase following elections and the interim period. The exercise of autonomy by the states, while not complete, is rated by many state and GOSS officials as high.

The GOSS is respecting the autonomy of this state. The way it interferes in our state affairs is to help. (Top State Executive)

The GOSS is respecting the states' autonomy, and there is no doubt about this. (Top SLA Member)

The state governments are quite autonomous because they have got their own cabinet, have their own budget and have their own parliament to relay the problems of the state. (GOSS Minister)

In 2005-2006 autonomy of the states had not been noticed well. At least in 2007-2008 it has been noticed that there is a change now in the system. The GOSS involves us much in the work planning (State Director General)

This process of handing over is in the interim period in the South. So the handing over of autonomy can not be fully done in two years. It has to go progressively. (Top State Executive)

2. The autonomy of the states is negatively impacted by their dependency on the GOSS for funding. Full autonomy will not be realized, almost all say, until states can develop financial resources independent of the GOSS.

With almost complete financial dependency on the GOSS, most officials feel the states are not fully autonomous. Many note that while the states operate independently in administrative matters, activities requiring financial resources, such as development projects, often require the input and approval of the GOSS. As one official put it, the states have “administrative autonomy,” but not “economic autonomy.”¹² The common belief among state and GOSS officials is that states will be truly autonomous only when they develop independent financial resources.

In terms of administrative set up and responsibilities, the states are enjoying full autonomy because they have the constitution. But in terms of resource expenditure and delivery of services, the states in most cases depend 100% on the GOSS for the disposal of funds. So in terms of finances, I don't think we the states have full autonomy. (Top State Executive)

We are enjoying the autonomy to a certain level, but basically we are tied to the GOSS because of the finances. If we had our own resources, we would be more independent than we are today.
(State Minister)

The state has autonomy, but how can you have it fully when you lack economic independence?
(Top SLA Speaker)

The states have no autonomy in the financial aspect of decentralization. You find they still rely on the GOSS 100%. They are supposed to be autonomous, which means they are supposed to collect their revenue, but again it comes to lack of capacity and lack of infrastructure (GOSS Undersecretary)

States will get autonomous when they begin to collect revenues. (GOSS Undersecretary)

3. State officials believe that GOSS and state powers should be clarified to prevent duplication of roles and break the old habits of unitary government. Special attention should be paid to the areas of official appointments, county creation, the courts and the police. Most GOSS officials say clarification is not needed.

Most state officials believe that poorly understood roles and responsibilities between the state and executive levels of government cause duplication of efforts and slow service delivery. Continued interference by some GOSS officials in state matters is further proof, they say, that competencies need to be better defined.

Clarification is a good way forward because responsibilities will be clear to all the players, and service delivery will improve. (Top State Executive)

There should be clarification of competencies and powers. For example, administrative zones and areas of operations need to be put in discussion and consideration, such as issues like the dividing up of responsibilities, the collision of powers and the redundancy of functional areas. Then these issues can be avoided and resolved amicably. (State Director General)

¹² Phrases are from a quotation by a State Director General.

There is need for clarification because some people mix it up. They do not understand that we are under the decentralization system and that the state has roles to play as does GOSS. So they should be told where the line is drawn. (Top State Executive)

Certain competencies are of special concern to state officials. These are areas where the officials believe that either the GOSS has overstepped its powers or certain functions remain centralized. Appointment and removal of state officials tops the list. Many state officials say that the constitutional power of appointment lies with the state but that in practice the GOSS controls appointment and removal of state officials through presidential decrees. The judiciary system is also troubling to some officials, who say that lack of capacity at the state level means legal matters are routinely referred to Juba. A third area is the overlap of responsibilities caused by the presence of GOSS police in the states. Autonomy necessitates that each state have its own independent police force, according to some officials. Finally, state officials say further discussion is required about the power to create new counties. Most say this power lies with the GOSS, but they want the issue revisited so that states have more input. This, they say, is necessary to meet the demands of their people. GOSS officials agree that the police and courts are areas of concern but believe there is already a plan to resolve each.

The state officials are appointed and relieved by decree which should be the power of the SLA. I can say that the law has been put aside, and it is irregular that powers and laws are not being followed. (SLA Member)

The judiciary of South Sudan is centralized. All appointments are at South Sudan level, and there is no devolution of powers to the state level. (Top SLA Member)

There is need to make clarification [of competencies] in the police because the police we have now are police from the GOSS, and they are not collaborating with people. The state needs its own police to be posted, especially the border areas. (State Minister)

I feel that more clarification is needed especially in the areas of creation of counties. The currently existing counties were taken over from the old Arab system and no new system has been introduced. States should be given a chance to create counties where necessary. (Top State Executive)

There have been issues raised about the police force and the states wanted to take command over their own police force. This has been resolved in the last Governor's Forum, and police will now be taken to the states. (GOSS Director General)

The judiciary is an area where states have no autonomy. It will be decentralized and set up by Legal Affairs. It will be independent after four years in 2009. (GOSS Minister)

A few state officials and most GOSS officials do not see a need to clarify competencies and powers, which they believe are clearly spelled out in the CPA and the Interim Constitution of Southern Sudan. Any clarification effort, they believe, would just duplicate what is contained in those documents. However, some of these officials advocate for education about and greater enforcement of the autonomy of the states. Old habits of the unitary system are hard to break, they say, and thus there needs to be a concerted effort on the part of the GOSS to increase compliance with the new decentralized system of government.

To me, the competencies and powers are spelled out in the CPA and Interim Constitution of Southern Sudan, and there is no need for this clarification. (Top State Executive)

The CPA is clear on roles in a decentralized system. The CPA gives you competencies at each level of government. (GOSS Director General)

Powers and competencies are clear. It is only that we need to put them into practice and adhere to the laws regulating operations, jurisdiction and administration. (SLA Member)

It is a problem of not understanding the decentralization system. Our mentality is still of a unitary government. The solution is to encourage dialogue between the line ministers, the governors and the GOSS, the members of state assemblies and the SSLA, and see how decentralization can be realized.
(Top SLA Member)

4. Equatorial state officials contend there is an urgent need for clarity on the powers of the state versus the powers of the GOSS in the area of customs.

Officials from Equatorial states believe the powers and competencies of the states and the GOSS lack sufficient detail in the CPA or the constitution to prevent a clash of the two levels of government at the international border areas. By the interpretation of these officials, the GOSS has assumed customs duties at the borders that should rightfully be under the control of the state revenue authority. This lessens not only state revenue but also state autonomy, they argue. One GOSS official agreed that taxation at the borders needed clarification saying, “Lorries come from East Africa, and you find GOSS taxes and state taxes so there is conflict there. We hope to resolve it because it is very difficult to do trade.”

In terms of autonomy there was no tension [with the GOSS] but only that it is not clear with the issue of the borders. (Top State Executive)

Revenue collection is another area of no autonomy, and yet it is very serious. GOSS officials have taken responsibility to police the borders of the state. The resultant effect is that it denies the state government its revenue. (Top SLA Member)

In terms of interference [from the GOSS], we do have tension. For example, we have not yet collected duties at the borders like Kaya and Nimule. The GOSS has taken the responsibility of collecting all custom duties and taxes which would have been collected by the state revenue authority.
(State Director General)

There are the [international] entry points which could have brought a lot of revenue to us according to the taxation system, but unfortunately in those borders there is one ethnic group which is collecting this money. I do not know who put the Dinkas there. They say the leaders of the GOSS sent them including the GOSS police. So people have been grumbling over this. All these millions are taken from Uganda and Kenya. They collect money from the travelers without proper receipts. You wonder where all the money is going. (SLA Member)

5. SSLA members have mixed views on whether the powers of the legislative and executive branches need to be clarified.

Views among SSLA members on whether the powers of the GOSS legislative and executive branches need to be clarified are equally divided among those interviewed. On one side are members who believe the constitution and the Assembly's rules provide a clear roadmap for inter-governmental relations between the two bodies. On the other are members who seek clarification because they either see extensive overlap in legislative and executive functions or believe the level of interference from the executive is too high.

In terms of power-sharing there is a lot of overlapping but we know our boundaries and are governed by the Conduct of Business and so is the executive. The roles are clear. (SSLA Member)

There is no need for clarity because we are guided by the constitution, and therefore we follow the constitution. (SSLA Member)

The functions are in the constitution and each ministry has the responsibility to operate by the regulations in the constitution, but the area of too much interference needs to be clarified. (SSLA Member)

I think there is need for clarity and a clear mandate. Overlap should be trimmed down. (SSLA Member)

6. An appropriate balance between state autonomy and the need for GOSS assistance to the states can be achieved if the GOSS assumes the role of policy-maker and the states that of policy implementer, according to both GOSS and state officials. State officials object strongly to a GOSS implementation role.

Although they support the concept of state autonomy, state and GOSS officials understand the importance of GOSS assistance at this early stage of the states' development. States simply do not yet have the resources or expertise to bring significant development to their areas. At the same time, state and GOSS officials are mindful that in a decentralized system, the assistance should perhaps be contained to certain areas. The appropriate balance can be achieved, almost all say, through a symbiotic relationship that casts the GOSS as policy-makers and the state as policy implementers. As such, there is strong opposition among state officials to GOSS activities that stray into the area of implementation. This view is captured by one state official who said, "If the GOSS is coming to do projects in the states, then there is no need for the states to exist."¹³ The GOSS can provide funding, staff training and technical support – particularly in critical areas such as health, education, agriculture and infrastructure – to state projects. The GOSS can even monitor a project's progress, but state officials say GOSS's role must be clearly defined and states must maintain the freedom to manage development efforts in their own states. The GOSS is also appropriately charged with the large-scale infrastructure tasks that are either beyond the financial and technical reach of state governments or fall within the regional duties of the GOSS, such as inter-state road networks. GOSS officials speak of staff training as the most appropriate assistance for the GOSS to provide to the states.

¹³ Quotation is from an interview with a State Director General.

*The GOSS is the policy-maker, and we in the state are policy implementers. (Top State Executive)
The policies are from the GOSS, and the states implement it. (GOSS Minister)*

There is need for the GOSS to be involved in the state in the development and training of specialized manpower to enhance the workforce in terms of quality and quantity. (Top State Executive)

The GOSS should provide us with the experts in certain fields, such as agriculture, health and education as well as other fields which are required by the state for its effectiveness. (State Minister)

One area that I think the GOSS must be involved is the area of funds. States lack enough revenues to carry out meaningful developmental projects. I want the GOSS to monitor how states spend funds toward development, but the GOSS should not be the manager of such funds. (Top State Executive)

I think the GOSS should be involved in [helping states] in a positive way but not in a way that will suffocate the state government. (Top SLA Member)

Training [is an appropriate area of assistance]. We are ready to train members of the state. The states nominate their people and we send them abroad. We help them build their capacity. (GOSS Minister)

7. Most states are complying with an instruction to communicate with the Government of National Unity (GONU) only through the GOSS because they view it as appropriate and useful. The Khartoum offices of the states serve only non-policy functions.

The GOSS instruction to communicate with the GONU only through GOSS channels is deemed appropriate by most state officials, some of whom also view it as useful in thwarting conspiracies such as those that arose after the 1972 Addis Ababa peace agreement. States accept that they operate under the umbrella of the GOSS and so applaud the instruction as helping promote coordination and unity in Southern Sudan.

This issue of communicating with GONU through GOSS is an excellent idea and appropriate at the same time. This state is following this instruction meticulously. (Top State Executive)

I think the GOSS is our government, and we are all answerable to GOSS. So we cannot overlap the GOSS and go to the GONU. This will nullify the whole system of administration. (Top State Executive)

If you make any linkage with Khartoum without GOSS, then you are overshooting. It is not allowed, and that is why there are problems here. GOSS is our government and all people should go through Juba not through Khartoum. Upper Nile is following the instruction to some extent, but there are areas where it is not because you know people are dictated by their parties. You work according to the party aspiration. (Top State Executive)

Most states have some form of representation in Khartoum, but all say that the offices have only minor or non-policy functions, such as logistics and procurement, fielding complaints from state citizens living in Khartoum, repatriating Internally Displaced Persons (IDPs) and assisting students and

state employees training in Khartoum. Unity state officials report that their Khartoum office also deals with the oil revenues they are due as part of the CPA. Some officials say the size of their Khartoum offices has been reduced and most functions moved to Juba. That fact prompted a state director general to suggest, "The GOSS should open one office in Khartoum for the ten states for coordination."

IV. INTER-GOVERNMENTAL COMMUNICATION

SUMMARY:

Given the lack of infrastructure in Southern Sudan, most officials believe that communication between the different levels of government has been adequate, with communication between the states and the GOSS in the fair-to-good range and between the GOSS executive and the SSLA rated as good. Inter-governmental communication is said to be excellent in emergency situations but falters on routine matters. The complaint among state officials is that GOSS communication is consistently late or doesn't arrive at all. In addition, because there is no uniform process for communicating GOSS policy decisions or SSLA-passed laws, there is uneven knowledge across the states of important GOSS regulations. Communication of sector priorities is often *ad hoc* and lacks standardization. Distance from Juba and GOSS's use of English have an adverse impact on communication with the center in some states, and there are mixed views in Upper Nile state on whether having an NCP governor impacts inter-governmental communication. Almost all state officials agree the quarterly status reports and the weekly security reports they now send to Juba have made a positive contribution to their interactions with the GOSS executive. State officials suggest that GOSS communication be formalized and sent to states through multiple channels simultaneously because no one channel is reliable. Officials say other communication improvements can be achieved through increased inter-governmental interaction, investment in communication networks and commitment to building the road infrastructure.

RECOMMENDED ACTIONS:

- Conduct a communication audit ministry-by-ministry to uncover obstacles and identify solutions for smooth information flow.
- Standardize procedures for communicating important GOSS policies and laws to the states, including through the identification of appropriate communication channels and recipients.
- Employ multiple communication channels simultaneously to ensure important information is received in the states.
- Prioritize the establishment of communication networks in states without them and upgrade equipment in those with some existing capacity. Consider the installation of internet capabilities in all key state government offices.
- Develop extensive English language training programs for employees in predominantly Arabic-speaking states.

1. "Fair-to-good"¹⁴ is how most state and GOSS officials rate the quality of communication between the two levels of government.

¹⁴ Interviewees were asked to rate the quality of communication between the states and the GOSS on a scale that included the following choices: poor, fair, good, very good, excellent.

There are a wide range of views on the quality of communications between the GOSS and the states, but most rate it fair-to-good overall. Those who are more positive usually point to frequent official visits between Juba and the states and the marked improvement in communication in the three years since the government's formation. Given the youth of the government and the lack of infrastructure in Southern Sudan, the conclusion of most officials is that communication is adequate, "considering the circumstances." For the minority of officials who believe that communication is poor, the problem lies primarily in the absence of efficient means to facilitate communication, such as mobile phone networks.

The communication [between the states and the GOSS] is excellent because our communication has improved very much. (Top State Executive)

To me it's [communication] good because I see the exchange of visits with the GOSS and the SSLA and state assemblies. (SLA Member)

The quality of communication between the GOSS and the states is improving. More computers are now stationed in states. With internet facilities installed to some of these computers, communication is improving. (Top State Executive)

With some states, [the quality of communication] is very poor because communication facilities are non-existent. (GOSS Director General)

The communication between GOSS and this state is completely poor due to lack of equipment and funds to improve this sector. (Top State Executive)

2. Most SSLA members rate the quality of communication between the legislative and executive branches as "good"¹⁵ and believe it will improve with experience.

Most SSLA members feel reasonably well-informed about the activities of the executive and believe it is in turn knowledgeable about SSLA matters, in part because some Assembly members are also in the executive. Additionally, members appreciate the respect they have been shown in undertaking their executive oversight duties, including having the freedom to communicate directly with ministers and to debate matters openly. Nevertheless, a number of members say that communication is less than perfect. Some rate communication as good, but qualify it by saying it is good "for the start" or "because we are looking forward to improvement." Others say communication is poor because they feel the GOSS executive is not living up to its commitments to report and consult with the legislature.

I don't really see that there are difficulties in communication [between the GOSS executive and the SSLA]. There are ministers who are also MPs, so I think there is no surprise in the village. (SSLA Member)

It [communication between the GOSS executive and the SSLA] is so far very good. The SSLA knows what the executive is doing in general. (SSLA Member)

¹⁵ Interviewees were asked to rate the quality of communication between the GOSS executive and the SSLA on a scale that included the following choices: poor, fair, good, very good, excellent.

Communication is good because we have always debated a number of bills thoroughly without fear, and we have confronted some of the ministers. (SSLA Member)

A lot needs to be done to improve communication because the Assembly expects each ministry to report to the parliament in terms of progress reports at least quarterly, but this has not happened. (SSLA Member)

There is no single communication process between the legislature and executive and, indeed, communication occurs on several levels. At the highest level, the Speaker interacts with the Presidency. Other communication is directed to various parts of the executive, usually at the minister level, through the Minister of Parliamentary Affairs, who is also a member of the Assembly. Communication also goes, at times, straight from the chairs of SSLA committees to the relevant ministries and ministers. Experience gained with the passage of time will contribute to the further improvement of communication between the two branches of government, members say.

There is the level of Speaker and the level of individuals. The Speaker is the one responsible for communicating with the President in case there is any issue. (SSLA Member)

The Minister of Parliamentary Affairs liaises between the SSLA and the executive. If the SSLA wants to call any minister for questioning the Minister of Parliamentary Affairs forwards the message to such minister. (SSLA Member)

I [as a committee chair] can summon any minister at any time to discuss when there is need to see what should be rectified. (SSLA Member)

We should continuously talk to each other, be very near to one another in order to create an understanding. This will help resolve vital [communication] issues. (SSLA Member)

3. Inter-governmental communication during emergency situations is quick and effective, but on routine matters communication is often late or non-existent.

Communication between the states and the GOSS executive and the executive and the SSLA is at its best during emergencies or critical events, according to officials. State officials cite numerous examples, including incidents of insecurity and natural disasters, during which the states and the GOSS worked together closely to respond efficiently to events. The suspension of the Sudan People's Liberation Movement's (SPLM) involvement in the Government of National Unity in October 2007 is also viewed as an exemplary case of effective communication. The SPLM decision was communicated almost immediately down to the county level through the network of government officials. Likewise, SSLA officials speak of smooth communication with the executive when a crisis must be resolved, such as high-level corruption cases or security incidents.

Inter-governmental communication fails most often in routine, day-to-day matters. State officials say normal government correspondence arrives late or not at all. The identification of local priorities takes years. Time-sensitive matters are not communicated until the last minute. Perhaps of most concern is that the GOSS fails, at times, to observe state autonomy by undertaking activities at the county level without notifying and obtaining the consent of the appropriate state authorities. SSLA members list a

number of examples of poor day-to-day communication, including ignored ministry reporting deadlines, and unresponsive ministers who fail to respond to legislative inquiries.

A good example [communication] is during the flooding. The state communicated it to the GOSS, and the GOSS responded by sending us a helicopter for surveying. (Top State Executive)

In the [corruption] case of the Finance Minister, the GOSS cooperated very well with the Assembly. In the Yambio [insecurity] incident, the Assembly summoned ministers, and they reported their findings to the Assembly. It was timely. (SSLA Member)

The communication [between the states and the GOSS] is poor given the fact that it is not regular and timely, which affects our functions here. (Top State Executive)

By the time we get information [from the GOSS], we get half of it or we get it at the last moment. (State Director General)

On routine issues that you want some consultation on [communication is bad]. For example, we have not reconciled our priorities with the GOSS. Take the road from Yambio to Faragū Sika. It has taken us three years of talking about it. (Top State Executive)

There are times when communication has completely failed, for example, when GOSS was delivering drugs directly to counties without passing the state channel. (State Director General)

The [bad] example of communication I have is the problem of reports. So far, I have not seen any minister come with a report stating what has been achieved and what has not been achieved. (SSLA Member)

- 4. No uniform process exists for the communication of GOSS policy decisions or SSLA-passed laws to the states. The result is uneven distribution and knowledge of important GOSS policies and regulations, including those on procurement.**

In describing how they receive GOSS policy decisions, state officials list nearly every form of communication – phone, fax, internet, hard copies of circulars delivered by plane or boat, verbally (through workshops or visits by GOSS officials) and through the media. In turn, GOSS officials list multiple ways in which they communicate with the states. The recipient of GOSS communications varies as well. At times, a state’s liaison office in Juba collects policy information and passes it along; at others, communication goes directly to the governor’s office and sometimes policy decisions are sent directly to state ministries. There are mixed views on whether the communication of policy decisions by the GOSS is satisfactory, but, as with other types of communication, the widespread complaint is that they are persistently late.

We receive most of the policies through satellite phones, faxes, internet and hard copies through transportation means. (Top State Executive)

The governor’s office is a link between the state and the GOSS, and then the governor relays to the council of ministers and then the members relay this information to their ministries. (State Director General)

It [GOSS policy decisions] comes via radio FM, then later comes officially from the cabinet of ministers. (SLA Member)

[How a GOSS policy decision is communicated] depends on the type of policy and in which area. If it is resolution or provision regarding my ministry, the GOSS sends me a copy direct to my office here (State Minister)

We send the documents as circulars...we communicate through the state coordination desk...I communicate through writing letters and sending it through the plane...we communicate through workshops...we communicate through radio and the e-mail system. (Multiple GOSS Officials)

Sometimes, the policy decision reaches our office late or it doesn't reach at all. (State Minister)

The communication of laws passed by the SSLA appears to be uneven across the various states. Among top state executive officials, for example, some report receiving laws through the usual channels, but others say no laws have passed their desks. Likewise, state legislative assembly members in some states say they receive copies of SSLA-passed laws, but other state legislators report that no copies have been provided. When new laws are communicated, the initial recipients of those laws differ by state. The laws are sent to the governors' offices in some instances, but officials in other states indicate it is the state legislative assembly that first receives notice of new laws and then passes them on to the governor's office. SSLA members also have no common answer regarding how laws are communicated to the states.

The laws also follow the same channel of going through our liaison office and down to the state and immediately this information reaches our [executive] offices at the state level. (Top State Executive)

They communicate the circulars and orders to the SLA. The SLA then informs the council of ministers which distributes the information to the concerned ministries. (Top State Executive)

Maybe they [SSLA-passed laws] are communicated through state assembly. We never received any law from the SSLA. (Top State Executive)

I don't have any idea about laws passed by the Southern Sudan Legislative Assembly. They don't give it to us. (Top SLA Member)

These [SSLA-passed] laws are supposed to be passed through the legislative arm of the government. (SSLA Member)

They [SSLA-passed laws] are provided in pamphlets given to the coordinating offices for the states. (SSLA Member)

It [sending SSLA-passed laws to the states] has not been going well because of the communication problems. It is hard to reach them. (SSLA Member)

When procurement regulations are communicated to the states, that communication follows the same channels as policy decisions and SSLA-passed laws. However, there are a large number of government

officials, including a few top state executives, who contend they have never received procurement regulations from the GOSS. State legislative assembly members are particularly unaware of procurement regulations communicated by GOSS. State officials in finance-related roles or those in the infrastructure ministries are more likely to have knowledge of GOSS procurement directives. The patchy nature of knowledge about procurement regulations across the states leads to patchy enforcement. Some state officials admit they have yet to enact procurement controls, though others say they have established or are beginning to establish such mechanisms.

The policies on procurement are communicated to us the same way as mentioned [with policy decisions], but we have not yet received these policies. (Top State Executive)

I think these policies [procurement regulations] have not yet reached us in the state. We are still expecting these regulation and policies. (State Minister)

Procurement booklets are distributed to us, and they dispatch a lot of information to our offices. (State Director General)

When we got this [procurement regulations], we duplicated the copy and distributed them to the concerned parties or government institutions. (State Minister)

We have not yet enforced these procurement rules in the state, but maybe sooner or later they will be enforced. (Top State Executive)

We have formed state procurement units, and we have communicated to all the units at the counties that major supplies must be sent to the procurement units, which look at the plans. (Top State Executive)

This state is planning to come up with the law to create the state central tender board and the county tender board. That will deal with the issues of procurement within the state. (Top SLA Member)

5. Sector priorities of the GOSS and state ministries are communicated in multiple ways, but the communication is often *ad hoc* and lacks standardization across all ministries.

There does not appear to be a standard method for the communication of GOSS sector priorities to state ministries or for state ministries to communicate their priorities to the counterpart GOSS ministry. State and GOSS officials report that GOSS sector priorities are most often communicated through circulars, e-mails, telephone calls and workshops and that the priorities can be communicated either through the governor or directly to the appropriate state ministry. Priorities of the states are also communicated in multiple ways: one-on-one meetings, workshops, reports, workplans and the budget. Some state ministry officials say they communicate their priorities to counterpart GOSS ministries through the governor, but others do so directly. Line ministries almost always communicate their priorities directly to their GOSS counterpart. The lack of standardized communication across ministries has not affected implementation of state sector projects simply because, state officials say, no projects have been funded.

As for the line ministries like us, we communicate and get our policies from our counterpart ministry at the GOSS level. (State Line Minister)

Policies of the GOSS are just sent to us in writing. When there is anything the GOSS feels like communicating to us, it is through the circular. (Top State Executive)

We write letters [outlining sector priorities] and send it through planes and also via e-mails. (GOSS Undersecretary)

Some policies go directly to the intended state ministry. Other policies are communicated through the office of governor. (Top State Executive)

We send the state sector priorities to GOSS by using formal letters or using workshops and visits. (State Minister)

The governor's office is the central point for any communication that is leaving our state. As such, state sectors first inform the governor about their intentions before communicating the decision to GOSS sectors. (Top State Executive)

[State sector priorities are communicated] through the budget. They should prepare the budget so that when we act we have to utilize it. (GOSS Minister)

6. Distance from Juba and language both adversely impact communication between the GOSS and the states in certain areas. Poor road and communication networks make distance a limiting factor, and predominantly Arabic-speaking states are hampered by the GOSS use of English as its working language.

The GOSS has two official languages: Arabic and English. Most official GOSS business, however, is conducted in English. In states that have a significant population of English speakers, such as those in Greater Eatoria, few officials see language as an impediment to communication with the GOSS. The story is different for states that are predominantly Arabic speaking. The use of English by GOSS in these states causes serious difficulties because many state employees are Arabic-only speakers. Translation of GOSS documents from English to Arabic and of state documents from Arabic to English is both time-consuming and expensive. Officials in Upper Nile and Western Bahr El Ghazal are more likely than others to say that language has an adverse impact on communications with the GOSS. GOSS officials are less likely than state officials to see language as a barrier to communication, believing the use of both Arabic and English resolves any issues. The exception among GOSS officials interviewed is the Minister of Education, who spoke of linguistic problems at the state level and the Ministry's extensive English training program. A few state officials suggest that the solution to this problem is to promote and use only one language for government.

Even in the assembly we talk in Arabic. It affects communication between the state and GOSS because all official documents in GOSS are done in English. Most people here speak Arabic and if they want to share something with Juba, it is a problem. (Top SLA Member)

Language really affects communication. The GOSS works in English. While in the state, most of our officials went to school in Arabic. Orientation from Arabic to English is very difficult. Translating most of our record written in Arabic to English is a big problem. (Top State Executive)

Language affects communication. This is because most of the people here speak Arabic and few English. The solution is to turn our curriculum into English and make Arabic a second language. (SLA Member)

The official languages are Arabic and English. We communicate to states not to tribes, so communication is not affected by the use of these two languages. (GOSS Director General)

Officials who reside in states that are far from the GOSS capital say there is no doubt that distance negatively impacts communication. Hard copies of documents and letters arrive in states at different speeds, and those sent to the farthest distances are often late or never arrive at all. Messages can expire before they reach the right hands. Poor road and communication networks exacerbate the problem for faraway states. Problems are most apparent during the rainy season, and states with poor telecommunications networks tend to suffer most. Planes are an alternative, but expensive, communication method. Just as with language, GOSS officials are less likely than their state counterparts to view distance from Juba as a problem. They say that modern communication technology is not limited by distance.

Distance has a negative effect on communication. The further the state is away from Juba, the greater likelihood that it may have some problems with communication between the state and GOSS. (Top State Executive)

Yes, it [distance] has some effects on communication. For example, we are not receiving hard copies of documents at the same time as those states that are near to Juba. (Top State Executive)

Yes, it [distance] affects communication. Like now, that is why we complain about flights to Malakal. We don't receive vital documents on time. (Top State Executive)

Distance affects the communication between GOSS and my state due to a lack of radio FM, a proper network to enhance telephone communication and poor roads for the transport network. (Top State Executive)

It [distance] does not affect communication. I speak the same with Bahr el Ghazal or Central Equatoria. It is through satellite. (GOSS Director General)

7. Officials in Upper Nile have mixed views on whether having a governor from the NCP hurts communication with the GOSS. GOSS officials say party affiliation makes no difference.

The governor of Upper Nile state is a member of the National Congress Party (NCP).¹⁶ Officials in the state government have differing opinions on whether his party affiliation affects communication with the SPLM-dominated GOSS. Some believe he has an equal right to participate in government regardless of party, but others are suspicious that his loyalties lie not with the GOSS but either with

¹⁶ The power-sharing agreement in the CPA requires participation of NCP and SPLM representatives in both the Government of National Unity and the Government of Southern Sudan. The question posed to interviewees was not referring to the viability of that arrangement but rather to the impact of the arrangement, whether good or bad, on the ability to communicate within the GOSS structure.

Khartoum or with his tribemates. GOSS officials are clear that political party has no bearing on the quality of communication between them and a state. All governors are dealt with as representatives of their states, not their parties, these officials say.

It does not affect me that the governor is from the NCP. He is respecting the system of the Government of Southern Sudan. This should be said in favor of him. Even though his leadership is in Khartoum, he sometimes spends months here in Malakal without going to Khartoum. (State Minister)

Until now there is no complaining for us as legislators with his being NCP. He is still part of the government and follows the GOSS system. He may have his own communication with his party which does not affect the work. (SLA Member)

The communications between Upper Nile and the GOSS is not normal simply because the governor is NCP. The communication has a lot of complications. The government here has a tendency of dealing with the North in many functions. (State Minister)

[Having an NCP Governor] affects communication. The governor is serving a specific group. The Southerners in NCP are only representing their tribes and are against any Southern movement. They are against the new ideas and SPLA ideology. (Top State Executive)

We deal from the position of the GOSS. The GOSS is not a party, so if the governor is NCP, we deal with him on the basis of state government, not the party. (GOSS Director General)

- 8. There is near universal agreement that quarterly status and weekly security reports states submit to the GOSS have made a positive contribution to inter-governmental communication. State officials are divided on whether there is need to establish formal day-to-day contacts between the two government levels.**

At the 2007 Governors' Forum, a recommendation was made to institute regular reporting requirements on the states. The two reports agreed upon were quarterly status reports detailing important activities and weekly security updates. Almost universally, state and GOSS officials say that both types of reports are appropriate, necessary and helpful not only to the GOSS but to the states themselves. The states faithfully submit quarterly reports to the GOSS, according to most, as well as weekly security reports, according to all. Only a few officials mention obstacles they face in preparing the reports. The lack of staff and preparation guidelines slows the quarterly reports in some cases, and both quarterly reports and, of more concern, the security reports are delayed in certain areas due to poor communication facilities. Feedback from the GOSS on these reports appears mixed – some state officials say they receive regular comment, while others say the GOSS never responds to their reports. However, most state officials say they do not expect to receive GOSS feedback on a regular basis and instead only need it on urgent matters.

This idea of quarterly performance reports to the GOSS is completely correct to be able to check the performance of all the states. (Top State Executive)

It [the quarterly report] is very necessary because otherwise how do we know they are performing well according to the budget? If they do not send the regular reports of their progress, then we cannot help them. (GOSS Minister)

It [the weekly security report] is a good idea since the report serves as a basis for assessing and establishing a strong security system in the states. (Top State Executive)

Collecting reports from different sources within the state is somehow difficult. The other obstacle is that there are no guidelines given to states by the participants of the forum of how to prepare the [quarterly] report. (Top State Executive)

The only obstacle to reporting is the lack of a proper communication system which makes our reports sometimes delay. (Top State Executive)

We usually receive feedback immediately when our report reaches the GOSS. (Top State Executive)

There is no feedback [on the quarterly report] unless something is urgent that we are asking them to come and intervene - then we get feedback. (Top State Executive)

A decision was also taken at the Governors' Forum to establish a day-to-day contact between the GOSS and the states. The Ministry of Presidential Affairs was asked to create a contact for each state within its office, and the states were each assigned responsibility to identify a contact on their end. Most state officials say that neither has happened. On the state side, officials say this is due to lack of available staff and funds. Opinion is divided on whether it is of critical importance to establish such a contact, however. Some state officials believe that creating a day-to-day link between the states is absolutely vital to improving communication, particularly in emergencies, between the states and the GOSS. But others question whether such a link would be productive. This group feels that communication is already well-handled by the governors' offices. The GOSS official interviewed in the Ministry of Presidential Affairs notes that the process of establishing state desks is underway: "It will improve co-ordination and communication. We will have a liaison officer for Greater Bahr el Ghazal, Greater Equatoria and Greater Upper Nile."

That [the establishment of day-to-day contacts] did not happen. There is no centralized system of communication. There must be documented communication and not from informal sources. (State Minister)

This [the lack of a day-to-day contact] is the worst area because it is really difficult to get people in Juba. Even with their authorized phones, it still it takes time to get them. By the time you reach there, they say they will call you after five minutes which may be five days. (Top State Executive)

At the office of the Minister of Presidential Affairs and even the Minister for Cabinet Affairs there should be people specifically for state coordination. (Top State Executive)

On our side, there is no need [to establish a day-to-day contact] because the governor's office is capable of handling the incoming and outgoing information between the GOSS and the state. (Top State Executive)

I do not know if appointing a contact position from both sides of our government would really bring something new. We continue to communicate, even though a specific contact has not been established. (Top State Executive)

9. Strengthening inter-governmental communication must be a priority, officials say. Progress in this area will require formalizing official communication, employing multiple channels simultaneously, increasing inter-governmental interaction, investing in communication networks and improving roads.

“Officials from both sides need to be serious about how to make sure that government information travels from one point to another in a quick and responsible manner,” says a top state executive official. That statement reflects the views of most government officials, who believe that inter-governmental communication is extremely important to the development of Southern Sudan. State officials, in particular, feel that the GOSS must formalize official communication to reduce the reliance upon personal relationships to communicate important government information. One such channel suggested by officials is a government air postal service. Because no communication method is completely reliable in Southern Sudan, the GOSS must also develop redundant communication channels that are utilized concurrently. This is the only way to guarantee that messages will reach their intended target, state officials say.

Another key communication suggestion by officials is increasing the frequency of visits to the states by GOSS officials, especially GOSS ministers and including the President. The bringing of state officials to Juba is not viewed as a legitimate substitute for on-the-ground assessments of the situation in the states. Officials also believe communication can be improved through other types of interaction such as the joint implementation of projects, staff training and staff swaps – anything to increase familiarity, or at as one state official said, “at least create friendliness.” Improving the relationship between ministries and the SSLA is also dependent upon increased interaction, say members who believe that most tensions with the executive arise due to a lack of understanding rather than any deliberate disregard for the Assembly.

Officials say other progress in inter-governmental communication can be achieved through significant investment in communication networks and commitment to better the region’s road infrastructure. GOSS officials focus primarily on setting up better communications systems, in particular internet, as the answer for improved relations with state ministries. State officials urge the GOSS to develop not only internet facilities but also mobile phone and radio networks. States without mobile phone networks say their isolation slows development. Those without FM stations decry the absence of an efficient tool to inform the population and for those along the North-South border, the reliance on media from Khartoum. Since face-to-face visits are viewed as important for relationship-building, officials say that improvement of the road network is critical to better inter-governmental communications as well.

Any relationship must be characterized by communication. Suspicion and fear results in nation break-up. (Top State Executive)

Improved communication [is important] because without communication we misunderstand each other. (GOSS Minister)

The government system of communication should be well-established and diversified in that different alternatives should be used to cover the vast territories and the majority. Government should not rely on

Thurayas, circulars or the telephone networks only. (State Minister)

There must be a centralized way of communication between the government levels. Some government officials either from the GOSS or the state prefer to get official information from their personal friends. In order to move forward, we need to have the system of centralized communication where those handling the communications are the right people allowed to do that job officially. (State Minister)

There has to be constant contact between the two governments. Second, we must allow exchange of information to be very fast. Third, visitation by government officials is critical and must be maintained. (Top State Executive)

We need to have regular workshops together to inform ourselves. We need to visit ourselves to be familiar with each other, to know what our problems are. We need to be in constant contact because when we are at a distance, we do not communicate easily. (GOSS Minister)

[The SSLA-ministries relationship can be improved] through continuous interaction. You will find always in human beings when they do not communicate frequently there will be a gap. (SSLA Member)

[To improve the GOSS-state relationship we must] equip states with communication facilities. (GOSS Director General)

[To improve the GOSS-state relationship there must be a] strong radio communication system, a telephone system and quick delivery of messages through a postal service. (Top SLA Member)

Communication is a very essential aspect of development. Therefore, we need a well-established communication system here in these states, FM radios for example, such that our cries are heard over long distances. (Top State Executive)

Between here and Juba, the road has not been maintained. It is an obstacle to communication. It's worse during the rainy season. You may spend two-to-three days stuck. It's a major problem in communication. (Top State Executive)

V. THE BUDGET PROCESS

SUMMARY:

State officials say that bottom-up budgeting is the best approach for Southern Sudan's decentralized system of government, but that the lack of funding for state budgets arrived at in this manner makes them feel as if the GOSS budget process is still top-down. Budget ceilings are widely disliked because the amounts are insufficient for state needs and delays in the announcement of ceiling amounts. SSLA members say their primary role in the budget process is to determine if resources are allocated fairly and in ways that meet the priorities of the government and the needs of the people. Frustrations with funding and ceilings lead some state officials to the conclusion that they need a bigger role in defending their budgets in the SSLA. All state officials, except legislative assembly members (who appear largely unaware of its activities), believe the GOSS Ministry of Finance has performed well in guiding states through the budget process. State officials do not have a good understanding of the timing and duration of the budget process, but they are clear that they will require further help from the GOSS Ministry of Finance in the next budgeting process and so request assistance with wider budget training for their staffs, the provision of expert help and information technology tools.

RECOMMENDED ACTIONS:

- Consider mechanisms for incorporating state concerns into the SSLA budget debate.
- Identify methods, perhaps through the creation of a flexible budget ceiling, that encourage further commitment to the bottom-up budget process while acknowledging the reality of limited resources.
- Improve GOSS communication about the budget ceilings through projections and continuous information flow to the states on timing and delays.
- Standardize timeframes and establish deadlines for the budget process.
- Extend the outreach of the Ministry of Finance on budgeting issues to the SLAs and provide training to SLA members on budget analysis.
- Provide continued expert budgeting assistance to states through the UNDP program and offer budget training to a wider group of state officials, not just those in state finance ministries.

- 1. The bottom-up approach to budgeting is embraced by state officials, who believe it is the most appropriate method of determining state priorities. The lack of funding for state budgets arrived at in this manner, though, makes the bottom-up process appear fraudulent to many state officials.**

At the May 2007 Governors' Forum, it was agreed that the GOSS budgeting process would shift from a top-down to a bottom-up approach, whereby states would determine priorities beginning at the

county level. The states would then forward budgets based on this bottom-up approach to the GOSS for consideration and approval. All state officials interviewed support this change. They believe it is the right approach for Southern Sudan's decentralized system and the only process that can reflect the true needs of the states and their citizens. As a state minister said, "When we make a budget, we do it based on our needs." Most acknowledge that the budgeting process is moving toward a bottom-up approach, and many see the last budgeting exercise as a major step in the right direction. However, the process remains less than ideal, according to state officials. The biggest disappointment for state officials during the 2007 budgeting exercise was the ultimate result. At the end of the process, states received the same or similar budget ceilings as they had in previous years, regardless of the requests in their new bottom-up budgets. That leads many to question the purpose of the exercise. In this context, the bottom-up budget approach looks like a process that requires months of effort but produces little benefit for the states. This is proof that the GOSS is still budgeting for the states, state officials say, regardless of the approach taken.

This ideal budget plan was brought forth by the governors in May 2007. What we want is [a budget process] from bottom to top but not vice versa. (Top State Executive)

The system of having the budget start at the counties is a very good process which will help people to have a due on what to budget for and which areas should be prioritized according to the counties' demands. (SLA Member)

The budgeting process used to be from top to down; now it is moving from down to the top. (SLA Member)

The GOSS has not yet developed that culture of bottom-up approach to the budget, they have a top-down approach that undermines the powers given to the state. (State Minister)

We started [the state budget] from payams to the counties and when we gave it to the GOSS they appreciated it, but in return they only gave us the ceiling just like last year. The same amount of money was given to us. There is no difference, so we wasted our time in that [budget] exercise. (Top State Executive)

It becomes very annoying when you are told to come up with the budget and in the end you are told this is what we are giving you whether your budget is there or not. (State Minister)

2. Budget ceilings amounts are insufficient to fund their priorities, state officials say. Poor communication on ceiling amounts contributes to dissatisfaction among state officials.

The budget ceilings imposed on the states by the GOSS are the most disliked part of the budgeting process. The amounts are insufficient to meet the needs on the ground, and thus the states' biggest obstacle in the budgeting process is trying to cope with the shortfall. Other complaints about the ceilings focus on the communication. According to state officials, the GOSS does not explain the reasoning behind the ceiling amounts nor does it keep states informed about delays in announcing them, which significantly impacts state planning.

What mostly affects us is the huge ceiling the GOSS brings to us for our budget plan. (State Minister)

There is tension arising from the issue of insufficient ceiling provided by the GOSS. This gives us a hard time budgeting for the services needed by the state citizens. (SLA Member)

We were given a big ceiling which has actually hampered our state's development. (State Minister)

What is difficult about it [the ceiling] is it has not been explained. We only see the budget has been slashed out, but there are no reasons given. (SLA Staff Member)

Number one [obstacle to budgeting] is the ceiling. It was delayed and held us back for sometime. (State Minister)

- 3. The SSLA's primary role in the budget process is to ensure equitable and wise resource allocation prior to budget passage and to monitor implementation afterwards, according to members. To realize its mission fully, however, SSLA members need to increase their knowledge of budgeting.**

SSLA members say the Assembly's role is to look at the budget as a whole during the final stages of the process and determine if resources are allocated fairly and in ways that meet the priorities of the government and the needs of the people. Members cite specific incidents from past budgets in which they have revised funding for ministries, for the states and for the Sudan People's Liberation Army (SPLA) because of a conviction that the budget presented by the executive did not reasonably distribute resources. Some of the examples are relatively minor – such as moving funds for foreign travel to domestic travel within a ministry – but others involved a substantial reallocation of resources. One member related the story of how the Assembly used its power to increase the budget of the SPLA from 17 percent of the total to 40 percent. The number of anecdotes offered by members suggests that most are confident and comfortable in exercising this power over the executive's budget.

[During the budget process] we have to make sure allocation is done equitably across sectors, regions, gender balance, etc. (SSLA Member)

The budget is brought for final approval to the Assembly, and the Assembly will either approve it or make amendments. For example, Regional Cooperation was under-budgeted, so we had to increase the budget and that also applied to the SPLA. We increased their budget. The Council of Ministers did not see the need, but we saw the need. (SSLA Member)

My problem with the Ministry of Finance was over the army budget because the committee analyzed that the South is facing a war situation. The Ministry only gave 17 percent of the budget to the army. We raised it to 40 percent, and the following year they raised it to 42 percent. (SSLA Member)

After the budget has been passed by the SSLA, members say the Assembly's role switches to one of watchdog. The SSLA, primarily through its committee structures, tracks progress of the ministries and monitors whether the funds are being used as allocated. Most members believe the ministries and other government agencies spend according to the passed budget, and all say they are ready to act if they detect otherwise. Government officials will be questioned, budgets for offending bodies will be cut, and impeachments will begin in serious cases, according to members. SSLA members do not see

many flaws in the current budget process, but in order to fulfill their role as guardian of the budget, it is necessary, members feel, to increase the level of budget competency within the Assembly.

When there is a deviation [from the budget] we query this...no ministry is allowed to overspend, but if they do, the SSLA would like to know why. (SSLA Member)

If the budget is not followed, then the SSLA has the right to summon the ministry concerned, and this can also lead to impeachment if it is a serious case. You cannot just disburse money.
(SSLA Member)

If [budget funds are] misallocated and it is discovered during the questioning of the ministers, then the budget is cut. (SSLA Member)

We need to be equipped with skills about the budget process, so that we know exactly our roles.
(SSLA Member)

We need to train our people for budgeting and budget management. This has to be done urgently.
(SSLA Member)

4. **The lack of direct interaction between the state governments and the SSLA on the budget process is frustrating to some state officials who want a bigger role in defending their budgets.**

As described by both state and SSLA officials, the interaction between state governments and the SSLA on the budget is several steps removed, with states submitting the budgets to the GOSS Ministry of Finance, which in turn presents it to the Council of Ministers. Only after debate in that body are the state budgets sent to the SSLA for approval. Some state officials count on their representatives in the SSLA and/or their state finance ministers to defend their budget. However, others would like for states to have a more direct role in the SSLA budget process. Specifically, state officials want, first, for SSLA members to have a greater understanding of the financial constraints they face, perhaps through SSLA visits to the states, and second to be allotted time to argue their case during the budget debate, particularly if their proposed budget is not expected to be fully funded. One SSLA member was thinking along the same lines when he said states should be invited to the Assembly during the budget debate, and “we can at times send people there [to the states] individually to go and meet to address our concerns.”

There is a lobby in the SSLA that we consult to defend our budget when presented in the Assembly. This lobby is formed from our representatives in the SSLA. (SLA Member)

The SSLA should visit the states to understand the problems facing the states. (SLA Member)

I think they [states and the SSLA] should interact [on the budget process]. It is very important for the development of the state so that people know exactly what is coming to this state.
(Top State Executive)

They [the SSLA] should schedule the time within which the states can debate on the budgets.
(Top SLA Member)

The interaction should be in such a way that when discussing the budget issues for [our state], persons like the state speaker and some members of the committee for finance should be able to attend [the SSLA budget debate] so that if there are any queries they can answer them there and then. But to send the budget to the SSLA for approval without representation of the state is not the best.

(State Director General)

- 5. The GOSS Ministry of Finance plays a critical role in guiding states through the budgeting process, say those who work closely with it. State legislative assembly members are largely unaware of the Ministry's activities and believe it has failed in its duties. GOSS officials have mixed views of the Ministry's performance.**

States report that the GOSS Ministry of Finance has been an active partner in the budgeting process. The role the Ministry has assumed is primarily one of teacher. Through various methods that include workshops, staff training, advisories and the deployment of expert technical help, the Ministry has helped guide states through new budgeting procedures. Budget guidelines developed by the Ministry and distributed to the states are especially appreciated for providing clear directives and encouraging uniformity among the states.

The Ministry of Finance has been sending the financial experts to help us draw the budget in all the ministries of the state. (Top State Executive)

They [the GOSS Ministry of Finance] have been holding workshops at the state and GOSS levels which involved all the people from the counties and state level. (State Minister)

They [the GOSS Ministry of Finance] provide directives and orders. It's working well, and the guidelines are very useful. (Top State Executive)

It [guidance from MOF] is very useful. I believe states would not have a similar style of budget preparation without the GOSS guidelines. (Top State Executive)

The performance of the GOSS Ministry of Finance during the 2007 budget process wins praise from many state officials, especially those, such as state finance ministers and top state executives, who have the closest interaction with the Ministry. The guidance and training provided to the states by the Ministry is highly valued and viewed as critical to the process. Some GOSS officials say the Ministry has improved its performance as well. One group of state officials, however, has a starkly different view of the Ministry. Members of state legislative assemblies are much more likely to think of the Ministry's assistance to the states negatively. In fact, many legislative assembly members believe there has been no assistance at all. Some report they never received budgeting guidelines issued by the GOSS Ministry of Finance in their assemblies. Others feel left out of the budgeting process and blame the Ministry for failing to provide training and guidance that would empower them to play an active role in the reviewing the budgets in their states. A few state legislative assembly (SLA) members and other state and GOSS officials also believe responsibility for funding shortfalls, funds transfer delays and cash flow problems lie, at least in part, with the Ministry.

It [the performance of the GOSS Ministry of Finance] is high, and this is seen in the ceiling issuance of guidelines and training of personnel to deal with the budget. (Top State Executive)

The GOSS Ministry of Finance's role [in the budgeting process] was positive. It monitored and advised staffs, both from the GOSS and the states, on how to go about making budgets.
(Top State Executive)

The GOSS Ministry of Finance has contributed superbly to the budget process.
(State Finance Minister)

Their [GOSS Ministry of Finance] performance this year is much better than the previous year.
(GOSS Minister)

There is not any assistance provided by the GOSS to our state on budgeting (SLA Member)

Nothing [has been done by the GOSS Ministry of Finance]. This is one of the problems. The members [of the state legislative assembly] requested training on the budget discussions, but it was not done. Accordingly, most members are sitting like guests while we are discussing the budget. (SLA Member)

[The Ministry of Finance] has not performed well because of the [cash flow] problems facing the Ministry of Health. (GOSS Undersecretary)

6. There is no common understanding among state officials concerning the timing or duration of the current budgeting process and no agreement for what it should be going forward.

In discussing the budgeting process, state officials offer widely varying accounts of when the process begins, how long it lasts and when it ends. They are equally varied in their views of what the timing and duration would be in an ideal environment. Opinions on when the process should begin range from March to September and on when it should end from September to December. Suggested durations for the budgeting process are anywhere from two months to six months, with a few officials advocating a year-round exercise. State officials are in agreement, though, that factors such as weather, poor communication networks, transport difficulties, staff capacity and distance must be taken into account if budget deadlines are to be realistic. One official notes that Khartoum's schedule for releasing funds to the GOSS must be built into the budget timeline as well.

It [the budget process] needs to speed up because if you start from boma to the payam then to county, it takes a long time. (SLA Member)

The weather condition is one obstacle of budget preparation. For example, during the time of budget preparation last year in the months of July and August, weather conditions like rain contributed to some delays encountered. (Top State Executive)

The budgeting process should start immediately given the difficulties in the capacity of the staffs, the distance to most of the counties and the problem of communication between the states and the central government. (Top State Executive)

7. Staff training, continued expert help and information technology top their list of requests for further assistance from the GOSS Ministry of Finance.

State officials admit their need for further help from GOSS on the budgeting process. Two requests are by far the most common. The first is staff training. State officials list this as the most important intervention the GOSS Ministry of Finance could undertake because it will eventually give the states greater control over their own budgets. For this reason, state officials would like the training provided by the Ministry to be both broadened, by including a wider range of state employees, and deepened, by extending training to county-level officials. The second is the continued provision of experts to state governments. Officials say that experts are still needed to assist with budget preparation. One even suggested that budget experts be available on a year-round basis, not just at budget time. Other requests from state officials are for the equipment and software, such as databases, necessary to create proper budgets and for funds to assist with the budgeting exercise itself, given the significant logistical costs of travel to counties and payams.

The assistance very much needed is to train manpower and improve their skills and input thus delivering the quality service and knowledge needed in the budget process. (Top State Executive)

The most important assistance we need is to train our people how to make budget. Training will make us independent, and the need for GOSS involvement will be minimized. (Top State Executive)

They [the GOSS Ministry of Finance] have to send in consultants like what they do at the moment. We need experts in budget-making. The model being used now is new and for people to cope with it, we need experts to help in making our budgets. (Top State Executive)

We need the introduction of information technology, like computers that we don't have at the moment. (State Minister)

We need the training of two persons on the budget process for each state and funds for staff movements because it starts from the payam, and technical assistance. (Top State Executive)

VI. TRANSFER AND USE OF FUNDS

SUMMARY:

Delays in the GOSS transfer of funds to states is frustrating for state officials because it adversely impacts their planning and activities. The means of transfer is a concern in states without a Bank of Southern Sudan branch because they are either forced to physically transfer large sums of cash or to rely on commercial banks that may lack liquidity. Better communication on delays and more efficient means of money transfer are needed. GOSS transfers, even if not delayed, are rarely sufficient to cover state needs and leave little or nothing for development. State officials also have concerns about the distribution of funds. Some believe that sending funds for state line ministries to the state finance ministries, instead of direct to line ministry accounts, will improve accountability and will allow the funds to be used more efficiently. GOSS and state legislative assembly members disagree, arguing that the current system must be retained because states still lack capacity to properly account for funds. While admitting some failures in the beginning, state officials say they have made great strides in their ability to utilize and account for funds, including the establishment of auditing departments. Officials in larger states want the GOSS to distribute funding according to population and other factors rather than equally across states. Some state officials argue that financial and human resources are too heavily weighted to the GOSS executive when the people and development needs are in the states.

RECOMMENDED ACTIONS:

- Develop a strategy to address the lack of banking facilities in the states.
- Establish an automatic warning system that alerts states when funds will be delayed.
- Open a dialogue between states and the GOSS concerning the strategy for overall resource distribution in the government.
- Develop accountability standards that states must meet in order to have line ministry funds transferred through the state finance ministries. In the interim, inform both state line ministries and finance ministries about GOSS transfers that are meant for line ministry activities.
- Assist the states to increase their auditing capabilities through training and the standardization of auditing systems and other financial control mechanisms across all states.
- Strengthen the South Sudan Audit Chamber so that it can 'certify' states as meeting GOSS standards.

1. **Repeated delays in transfers of funds from GOSS frustrate state officials, though some blame Khartoum. A working commercial banking system, more Bank of Southern Sudan branches and better communication on delays are needed to smooth funds transfers and lessen the impact of shortfalls.**

State officials report that delays in the transfer of funds from the GOSS is a recurrent issue. Stories of months-long delays in funds designated for the payment of state employees' salaries abound, and

officials say the impact of the delays on the states' ability to plan and manage resources is significant. State line ministries appear to experience more problems¹⁷ than other state ministries because funding is provided to them on a periodic basis from the GOSS counterpart ministries rather than through the states' block grants. Despite their frustration, some state officials say they believe that the root cause of the problem lies not with the GOSS but with authorities in Khartoum, who are either purposely sabotaging the GOSS by withholding funds or are just slow at determining splits in oil revenues. For their part, GOSS officials acknowledge there have been significant transfer delays and also attribute it primarily to dependence on oil revenue transfers that are often late. State officials are aware that there may be no short-term solution for increasing the timeliness of transfers but request that the GOSS improve its communication about delays to assist the states in coping with the serious ramifications of not having sufficient funds to pay salaries or operate the state governments.

I think there is a problem [in transfer of funds]. The GOSS says it will send the salaries of our workers regularly, but there are now situations where salaries do not come on time
(Top State Executive)

The critical areas, like agriculture, are the ones having the problem of transfers because it usually comes late, and this causes chaos in this ministry especially with the employees. (State Minister)

The cash shortfall [in transfer of funds to states] is because of over-dependence on oil revenues.
(GOSS Minister)

There are problem with liquidities. What we expected from Khartoum doesn't come. Khartoum is doing much to fail our government. This can be resolved through mobilization of local revenues and taxes.
(State Director General)

We know the condition and the situation of our government. If there are any financial problems, they should inform us early so we solve it. (Top State Executive)

The method by which funds are transferred is also a concern for some state and GOSS officials. The lack of viable commercial banks and/or a Bank of Southern Sudan (BOSS) branch in some state capitals makes the physical process of transferring money difficult and, a few contend, dangerous. A number of officials report their only option is to transfer large sums of cash by road or air, which they feel is a security issue. Several states that have tried to use commercial banks express dissatisfaction with high fees and a lack of liquidity that makes it impossible to access funds when needed. A BOSS branch in each state is one suggested solution.

In the modern and civilized world, money is transferred through telegraphic transfers and a bank system. But here, money is carried in bags and vehicles, which is risky, and that I feel has encouraged frequent theft. (SLA Member)

We lack banks and [transferring funds is] becoming expensive. We get our money from the BOSS and have to charter a plane every month to bring the money here. (State Minister)

¹⁷ This information is as of early 2008 and may have changed since that time.

When the GOSS Minister of Education transferred the money to the bank, the state finance minister could not get the money. Even though the money was given to...Bank, there was no availability of the money in the bank. (GOSS Director General)

The transfer [of funds from the GOSS] has always been difficult, and this is why we in this state do propose that we should be having a BOSS branch to make our transfers easy. (Top State Executive)

2. GOSS funds transfers to the states cover only salaries, leaving little money for state-funded development projects, according to state officials.

The consensus among state officials and some GOSS officials is that the GOSS transfers are not sufficient for state needs. State officials say that the funds only pay salaries, and in some cases fail to cover salaries in full, forcing the states to make up the shortfall using money designated for operating costs or other projects. State officials say GOSS transfers to the states must increase if there is to be development. Currently, there is simply no money left over after the payment of salaries to embark on any development projects. As a result, most projects are funded centrally through the GOSS. The states believe that if given proper funding they can contribute significantly to increasing the pace of development in Southern Sudan. Most state officials do not blame the GOSS for failing to provide sufficient funding, but they do believe the issue must be addressed.

The state transfer is not enough. It only covers salaries for state employees. Bad enough, it does not even cover all the employees let alone operational services and areas of development. (Top State Executive)

The transfer is not sufficient. Even in the area of salaries, the money given by the GOSS is not enough. In the state here, we are forced to make the ends meet by contributing more money toward salaries of our employees. (Top State Executive)

It [funds to the states] is never sufficient, but they are given a fair share. (GOSS Minister)

They [funds transfer to states] are not sufficient...The money really needs to be increased if the state is to be involved in development activities. (Top State Executive)

They [funds transfers to the states] are not sufficient because we have many areas that need to be tackled, but there is no money to do that. We have the case of infrastructure – the roads, the schools, no hospitals – all these need construction, but there is no money to do that. These can be addressed if funds are allocated to the state. (Top SLA Member)

3. Some state officials believe state line ministries should be placed under the authority of the state finance ministry to improve accountability and efficiency. A lack of capacity at the state level precludes such a move in the opinion of some GOSS officials.

Some state officials, and in particular those working in finance ministries, are opposed to the direct funding of line ministries by their GOSS counterparts. Direct funding of state ministries, they say, is a violation of the states' autonomy and limits the states' ability to account for and efficiently utilize funds. It can also slow activities in the states because the line ministries are dependent upon often late

transfers from Juba instead of being able to rely on a steady flow of funding from the state treasury. In contrast, some GOSS officials remain reluctant to place state line ministries under the control of the state ministries of finance because they believe there is a lack of adequate financial and auditing capacity at the state level. This was demonstrated, according to one GOSS official, when money targeted for key ministries was misused.

Some ministries like education and health still receive their budgets directly from the GOSS. That is outside the state. That is an area that needs to be improved so that the state can have control of the ministries fully. (Top State Executive)

All the funds transfers should be done through the state Ministry of Finance for transparency and accountability. (State Finance Minister)

I am suggesting that the state line ministries must be returned under the responsibility of the state to avoid delay of transfer and to avoid problems with the GOSS line ministries. (SLA Member)

GOSS line ministries send it [funding] direct to the state line ministry concerned with no information to the finance ministry. This is wrong. It should come through [state] finance, then finance will deliver it and these ministries will report to finance. Now the way they are doing makes it difficult for us to know what they are doing and how they are using money. (State Director General in Finance Ministry)

The states complain that ministries like education get paid directly from the GOSS as opposed to being paid from the state finance ministry. The argument of the GOSS is that they did this because of the lack of capacity in the states. (GOSS Director General)

4. Officials in larger states believe the GOSS should distribute funding according to key factors like population instead of equally funding all.

Currently, block grants and ceilings are equal across the ten states of Southern Sudan, regardless of population, geographical size or the number of service facilities (like schools and health centers). Larger states want the GOSS to adopt a system that takes these types of factors into account in the allocation of resources. No third party data exists to determine exact population distribution, however, so as one state minister pointed out, such a move may have to be delayed until the census is published.

The major problem is that the money the GOSS distributes is equal. This system affects some of the states. For instance, in one state people might be more than other states. (SLA Member)

The ceilings defined by the GOSS are not good because counties and states are not equal in their requirements, labor power, size and needs. The GOSS treats all states equally concerning the block grant. Our fight with GOSS is on the issue that the block grant should be according to the states' size, which is not equal among Southern Sudan. (Top State Executive)

Probably when the census is done then some states will get more money than others, but for the time being it is equalized. (State Minister)

- 5. Some state officials argue that financial and manpower resources are too heavily weighted toward the GOSS. More balance in resource distribution is necessary, they say, to serve the people.**

In the first few years of the GOSS, the majority of human resources and funding have been directed to establishing governmental institutions in the capital. It is now, some state officials believe, time for that to change. This group argues that the priorities of the GOSS are reversed. The GOSS ministries are well-equipped, well-funded and numerous while the state ministries are few and struggling just to pay salaries. The majority of government employees, and those with the best qualifications, are in Juba instead of in the states on the ground delivering services. Development is after all, they say, a grassroots activity. These state officials want future GOSS budgets to begin to tilt the balance of resource distribution toward to the states; otherwise, they say, development will be further delayed.

The GOSS is acting like a big brother, getting a chunk of whatever they think is enough for them and throwing the remains to the states. (Top State Executive)

Manpower should be adequate and efficient in the states rather than accumulating all the powers and resources at GOSS level leaving out the implementers, the states. (State Minister)

They say it is shortage of money, but I am seeing it's not really a shortage of money because the GOSS ministries are budgeted reasonable amounts of money. They have good budgets whereas in the states – where the activities are supposed to be, where services are supposed to be delivered to the grassroots – the allocation is very miserable (State Director General)

The other year 20 percent of the total budget went to the states and 80 percent to the GOSS.
(State Minister)

- 6. State executive officials declare that systems are in place to account for funds given to them; state legislative and GOSS officials are more skeptical. Efforts are being made to increase accountability at the state level, with auditing support viewed as especially important by state officials.**

While state officials admit proper financial controls were lacking in the past, most believe they have addressed the issue and can now appropriately account for funds received from the GOSS. Members of state legislative assemblies and GOSS officials are more likely to say that state accountability systems remain weak. State officials speak of the establishment of auditing departments and procurement units as proof they have raised their accountability standards, but they also admit that since they currently only receive enough money for salaries, they have not truly been tested. Nevertheless, there is a strong commitment to increasing accountability in the states, and improvements are being made at a fast pace, according to state officials. To assist with this effort, state officials request that the GOSS provide them with auditing training and strengthen the Southern Sudan Audit Chamber.

There is no problem [with accounting for funds] because we have the best accounting staffs who work very well. (Top State Executive)

The state is able to utilize and account for funds given to all sectors. We also invite auditors to check the accounts and verify the misuse of funds elsewhere. (State Minister)

Sometimes during transfer of funds, they fall into the hands of the governors who use the money for their own uses, not as instructed. (GOSS Minister)

In 2006, there was no system of accountability in place [in the states]...in 2007, no accountability still. (GOSS Undersecretary)

The executive body is not able to use the funds according to the line of expenditure and purpose. This is attributed to administrative corruption. (SLA Member)

Today we are better; yesterday we were very bad [at accounting for funds]. We have tried to visualize corruption as the enemy of all. We ask GOSS to provide an auditor to check us and show the right way. (Top State Executive)

The South Sudan Audit Chamber capacity needs to be strengthened so as to follow state financial issues. (Top SLA Member)

VII. GRANTS TO STATES

SUMMARY:

State officials support the idea of 10 percent of their block grants going to counties, though they and some GOSS officials have serious concerns about accountability capacity at that level. Most state officials say that conditional grants earmarked for specific ministries have been used properly, but fully one-third of interviewees, mainly state legislative assembly members, say they have, at times, witnessed the use of these funds for other purposes. Incentive grants are a popular idea among state officials because they think it will increase the pace of development. Some are concerned, though, that some states will have advantages over others and that bias will creep into evaluations of state accomplishments.

RECOMMENDED ACTIONS:

- Develop clear and objective criteria for the award of incentive grants.

- 1. The proposal to channel 10 percent of a state's block grant directly to the counties is widely accepted because development begins at the local level, officials say. Some officials have serious doubts, however, about county officials' ability to account for and manage funds.**

Most government officials see counties as legitimate entities of government that deserve to be directly funded through the receipt of 10% of a state's block grant. Some state officials say that because county administrations are the link to citizens 10 percent is far too little. Nevertheless, a number of officials say they see both positive and negative consequences of the idea. This group acknowledges the development benefits of direct funding of counties, but they also question the ability of county level officials to manage and account for the funds. Other state officials oppose direct funding of counties either because they believe the 10 percent allocation, if divided equally, could unfairly benefit certain counties and hurt others or because they worry states will be blamed for any problems that counties experience with the management of funds. The GOSS officials interviewed have mixed opinions on direct funding for counties. Some say the lack of capacity at the county level is troubling, but others voice the same logic as supporters of direct funding – counties deserve the funds because that is where development begins.

The local government is an entity on its own. If the GOSS allows states to give ten percent of the money to counties, I think that is going to be good. (Top State Executive)

The state government must let the money go to the grassroots because they are the people who want services. The 10 percent is not enough. If that proposal came to me, I would talk about 30 percent to the counties directly. (Top SLA Member)

The decision is right if the commissioners will use the funds properly that increase the revenue. Unfortunately, all commissioners are weak and unqualified. (Top SLA Member)

GOSS cannot plan and give money directly to counties leaving the state in the middle because the state will be held accountable when accountability is needed. (SLA Member)

In giving the 10 percent of block grants to counties, they are making a mistake. When you give your money, there should be someone in custody of it. Our counties do not have banks where they can go and put money. (GOSS Director General)

That's where the government is. The counties are where the work is done. We were even thinking maybe we should budget for the counties and bypass the governors' offices. (GOSS Minister)

- 2. Conditional grants are used for their intended purpose, most state officials say. A significant minority, however, say they have witnessed misuse of the funds through the topping up of salaries, diversion to other projects and corruption. There is broad agreement that misuse of conditional grants must stop.**

Conditional grants to the states from the GOSS are those in which the money provided is intended for a specific purpose. Most state officials declare that conditional grants are employed for the purposes outlined by the GOSS, and controls are in place to assure this. Indeed, some state officials say that the problem with conditional grants is not that they are misused but that the money sent is not enough to cover the specified activities. However, a significant minority – about one-third of state officials interviewed – say that conditional grant funds have been diverted to other uses at times. Almost all of the interviewees with this opinion are members of state legislative assemblies. State assembly members say they have seen conditional grants used for purposes other than those intended, including the payment of salaries outside the scope of the grant, the implementation of unbudgeted projects and corruption. Some characterize these issues as past mistakes that will not be repeated. Only one GOSS official commented directly on this issue, but he agrees that conditional grants are sometimes misused. There is a general consensus that any future misuse of conditional grants must be stopped and punished.

Conditional grants are specifically used for the activities which these funds have been allotted to. There has never been any complaint that conditional grants do not meet the desired intentions. (Top State Executive)

Conditional grants are used for the purposes which they have been meant for, but the problem is those conditional grants are not enough to accomplish what it has been meant for. (State Minister)

No, the conditional grants are not used for the purposes intended. Sometimes, conditional grants are used to top up salaries. (SLA Member)

Conditional grants don't all go to where it has been directed. It was used last year for funding other projects, which are not in the budget. (SLA Member)

Around 75% [of conditional grants] goes to the project. The rest goes into corruption. This behavior should be stopped using follow-up and even the use of courts. (SLA Member)

Most of the time they [states] misuse it [conditional grant funding]. Agriculture money is diverted for other reasons. It causes a lot of problems within states. (GOSS Minister)

The money should be used by the state based on the condition it was given by GOSS. Any state that moves away from such a policy should be punished. (Top State Executive)

- 3. The idea of incentive grants is attractive to state and GOSS officials, who believe they will promote competition and increase the pace of development. Some officials sound a note of caution, however, that the playing field must be level for all.**

Most officials see incentives as a legitimate mechanism to spur competition among states and to rapidly boost development activities. GOSS officials concur. It is thought that incentive grants will also better the performance of state and county employees because they will be working toward a goal. The embrace of incentive grants by state officials comes, however, with several cautions. First, some officials want the GOSS to build more capacity before undertaking such a program. Second, there is a concern that some states already have more advantages than others and thus will be better positioned to win incentive grants. Existing state capacity will have to be taken into account so that some states do not feel an incentive grant program is stacked against them from the beginning. Third, some state officials are suspicious that bias will creep into any incentive grants program, and so request safeguards, such as clearly defined rules and independent evaluation teams.

It [incentive grants] is a good policy that will allow states to compete for the grant. In doing so, development will soon come to every state including those who did not win the grants.
(Top State Executive)

It is a good idea. It will encourage them [states' leaders] to be more aggressive and have good leadership.
(GOSS Minister)

The idea of the incentive grant is good, but it depends entirely on the states – some states are lucky because they have proper infrastructure. If they are given incentive grants based on their performance, then those states without proper infrastructure will suffer and as a result it is bad in this sense.
(State Minister)

That [an incentive grants program] is alright for the GOSS to do provided that there is no favoritism for a state that did not really perform well. There should be an evaluation team that is a body that is trusted and has credible judgment. (Top State Executive)

In most states, standards need to be set like in football when you are playing you should follow rules and regulation. So, let's be clear about the competition in the states, let's set the parameters or else others may play it the bad way and win. (Top State Executive)

VIII. REVENUE AND TAXES

SUMMARY:

States place a high priority on the building of their revenue capacity. In this, states realize they need the assistance of the GOSS. The key areas in which states request assistance include the passage of a tax law in the SSLA, and staff training in revenue identification and tax collection. Other areas where GOSS can help states create local revenue include constructing roads, soliciting international investors and securing loans for revenue-generating projects, like electrification. Some state officials feel that the GOSS collects more than its fair share of taxes, and the lack of a tax law has contributed to confusion about what is a state versus GOSS tax. State officials disagree on whether citizens will respond positively or negatively to taxes, but a public education program on taxes and the delivery of services will help citizens understand their purpose and use. In-kind contributions will no longer be accepted as proper tax payment in the states, but traditional authorities will remain involved in collection in most states.

RECOMMENDED ACTIONS:

- Prioritize the passage of a GOSS tax law that clearly defines tax jurisdictions.
- Create a comprehensive training program for state staff in the identification of local revenue sources and tax collection methods.
- Develop a policy on GOSS loan assistance to states.
- Conduct a state-by-state analysis of investor opportunities and include states in efforts to recruit investors.

- 1. Building their states' revenue capacity is a priority for state officials, whose top two requests for assistance are a GOSS tax law and staff training in identifying revenue streams and collecting taxes. GOSS commitment to road construction, attracting international investment and securing loans for states is also needed.**

Many state officials feel they cannot begin tax collection in earnest until the SSLA passes a tax law around which states can carve out their own tax base. There is some frustration that, three years after the signing of the CPA, a GOSS tax law has yet to be passed. Beyond that, states have little faith that they will be able to implement a tax scheme without significant GOSS expertise and training. Given their lack of funds, state officials also request that GOSS provide them with the basic materials, such as forms and ledger books, to do their jobs. GOSS officials agree that training is the best way to assist states in expanding their revenue base.

Tax collection is regulated by law, and so far there has been no uniform tax bill.
(Top State Executive)

It has been quite unfortunate that the GOSS has not taken time to pass laws which we have been longing for. The states could not do much for the last three years. They have to hurry the GOSS up and pass these laws to affect the collection of taxes. (State Minister)

The GOSS should provide us revenue books, ledger books, expenditure books, etc. Without this, we will not be able to collect taxes. A strong law must be imposed to regulate the taxation process. (SLA Member)

The GOSS must send people from Juba who could come and supervise how the state collects taxes from people. Strengthening the states' ability to collect taxes is important. (Top SLA Member)

First of all, we must give them [states] training and workshops for their tax officers. They should be aware of their rights under the CPA and the constitution of what to tax and what not to tax. (GOSS Minister)

Expansion of the states' revenue base also requires other interventions by the GOSS, state officials say, such as arrangement of loans, recruitment of investors and, in particular, construction of roads. State officials say they need the weight of the GOSS to secure loans to complete projects, like electrification, that can increase the local tax base. They also need the GOSS's international reach to lure investors, especially those in natural resources. Many state officials see roads as a basic building block of commerce and expect the GOSS to increase the number of roads exponentially as well. Although most officials want GOSS assistance with revenue and taxes, a few believe that the GOSS should have little to do with taxes in the states because it would interfere with their autonomy.

The only assistance we need from the GOSS is to train our employees in different technical areas and to allow us some loans for development of the state. (Top State Executive)

We need to open roads...because revenue generation comes through the volume of commercial activities and commercial activities come through good commercial transport. If the GOSS government can give support for the projects in this area, I think revenue expansion will be possible. (State Director General)

The issue is wealth creation. GOSS should encourage business. At the moment we are not seeing the Europeans come and do business. [GOSS should] encourage private sectors to invest here. (State Minister)

I would not suggest any specific assistance in the area of taxation in the state where the GOSS comes to help. The state is responsible for creating laws on taxation that are compatible with the rules and regulation set by the GOSS. (State Director General)

2. **Some state officials, particularly those in Greater Equatoria, believe the GOSS collects more taxes than it rightfully should. The lack of a tax law has contributed to confusion about what constitutes a state versus a GOSS tax.**

Some state officials feel the GOSS is acting unfairly in its collection of taxes in the states. This sentiment is especially strong in the Equatorian states along the southern international borders and almost unanimous among officials in Central Equatoria state. Officials in these areas and a few in

other states believe the GOSS is taking more than its fair share of taxes. In the absence of a tax law, there are few guidelines, except for those broadly spelled out in the CPA and the ICSS, to determine whether a specific tax is a GOSS competency, a state competency or both. At minimum, these officials say, clarification is urgently needed so that states can better understand their tax base and plan their budget accordingly.

We need regulations from the GOSS. Why is this revenue collected and how should it be collected and who is to collect this amount to be taxed? (State Minister)

GOSS should leave the revenues that are for the state. The GOSS should define territories of revenue collection. (SLA Member)

The GOSS should renounce some taxes and revenue, since it has taken the lion's share in comparison to the states, like the airstrip revenues. (SLA Member)

Both the GOSS and the state should come together and work out modalities for tax collection so that it is clear how much of the taxes collected go to the state and how much to the GOSS. Otherwise, the GOSS is dominating the collection of taxes. (State Minister)

We have to identify whether this revenue collected belongs to the GOSS or to the state or we have to come together and agree exactly what percentage goes to the GOSS and what percentage goes to the state. (State Director General)

- 3. There is no consensus on how citizens are reacting to the idea of taxes. Some state officials say citizens embrace taxes; others say they are bitter. Taxation will become easier if the public can be educated about the use of taxes and see a corresponding improvement in services.**

State officials hold various opinions about how citizens view taxes. Some officials report citizens are already responding positively to the idea of paying taxes or suggest they will do so in the future. Those with this opinion say that taxes are nothing new and that citizens understand the connection between taxes and development. About the same number of state officials have the opposite view. This group indicates that citizens feel bitter about taxes because they want more time to recover from the conflict and because they do not see any development as a result of the taxes they have paid in the past. On this latter issue, officials see a clear link between citizens' willingness to pay taxes and the quality of services they receive. The more people see their tax dollars working to their benefit, the greater the likelihood they will be willing to pay, some officials say, and so they officials see public education about taxes as an important activity.

Our people respond positively [to taxes] because it is something that has been there since time immemorial. (Top State Executive)

Our citizens have been responding positively to the idea of taxes because taxes are for the state, and they go back to them in building schools, hospitals as well as other public institutions. (Top State Executive)

It [citizen reaction to taxes] was a bit negative because they feel that people have just come out of war and need to establish themselves before the issue of taxes commences. (Top State Executive)

The response of citizens is negative because they see nothing as an outcome of these taxes being collected. There are no services delivered to them as a motivation. (SLA Member)

People want to see that taxes are collected and used for their services. They will be more inclined to put money in the taxes because it is investment in services. We want to set up some kind of awareness creation to the people that the taxes that are collected are for investment in services – no more, no less. (Top State Executive)

- 4. Most state officials say they will discontinue the war practice of accepting in-kind payments, such as crops or animals, for taxes but will continue the long-standing use of traditional authorities to assist in tax collection.**

While the practice of accepting in-kind tax payments was common during the conflict, officials believe it was an emergency mechanism which is now out-dated and, if continued, would complicate proposed tax structures. Past practice will be honored, however, in the use of traditional authorities as tax collectors. The vast majority of state officials see the involvement of traditional authorities in tax collection as positive because of their close connection and power within local communities. In fact, many feel there would be no way to exclude traditional authorities from the taxation process, especially in the collection of the poll, or head, tax. A few officials, though, believe the role of traditional authorities should be limited to registration and supervision, not actual collection.

Cash money [for taxes] is the only way for development. In the case of crises, we can take in-kinds but under normal situations we need money for development. (State Minister)

The best way is to allow the citizens to market their produce and then pay money because when citizens were being taxed in-kind, it caused migration from here to other places in order to avoid taxation. (Top State Executive)

It is not new for traditional authorities to be involved into tax collection. Their involvement is so crucial, and I believe we will not count them out for some time to come. (Top State Executive)

Traditional authorities should be involved because it [tax collection] runs down to the bomas. In order to carry out this exercise effectively, traditional leaders play a great role in identifying the potential citizens ready to pay taxes. (SLA Member)

Traditional authorities will be involved in helping only in the registration process but not in the collection process. The directorate concerned will carry out the exercise in a very organized form. (Top State Executive)

IX. SOUTHERN SUDAN LEGISLATIVE ASSEMBLY

SUMMARY:

The SSLA's primary roles are law-making and oversight, according to members. Some members also mention their role as representatives of the people, something they say makes them unique in government. Members have mixed views on their policy-making role – some say the SSLA makes policy, but others believe the body only revises and passes policies sent to it by the executive. Deciding on priorities by sector is a collaborative effort with the executive, members say, but if there is a dispute most believe the ultimate authority resides with the SSLA.

Specialized committees are the key organizing mechanism in the SSLA. They develop direct links to GOSS ministries and oversee sector issues in their relevant areas. Members say technical expertise is needed to improve the effectiveness of committees in law-making and oversight. The SSLA has been fulfilling its duty to approve executive appointments, but there is no consensus among members about the best process for doing so. Some believe the current procedure of approving all executive appointments in a single vote is appropriate; others want to scrutinize and vote on each appointment individually. The link between the SSLA and the constitutionally-mandated commissions is weak, with confusion over jurisdiction and little interaction between the Assembly and established commissions thus far. The dual role of Assembly member-minister that some members play is viewed as a useful for strengthening the relationship with the GOSS executive.

Members support the Constituency Development Fund because of its ability to bring development to the grassroots and are confident safeguards are in place to prevent misuse. The internal rules and procedures of the SSLA have been followed closely, but some deficiencies in those rules will soon result in a revision. Party caucuses in the SSLA have played a positive role, but there is no common understanding of how party discipline is handled. Some feel that members are free to vote their conscience, regardless of party position. Others say that members will be punished by their party for doing so or that the issue has not yet been decided.

There is also no agreement among SSLA members on the quality of constituency representation, with some saying it is excellent, others poor and others that it varies by individual. Most members are convinced the planned 2009 elections will transform the SSLA into a more authoritative and effective body by increasing members' confidence that they are the legitimate representatives of the people. Going forward capacity building for members, broader government recognition of the body's independence and greater commitment to serving the needs of the people are the keys to making the SSLA a stronger institution, members say.

RECOMMENDED ACTIONS:

- Raise the level of awareness among members of their role as representatives of the people. Create training programs to assist with constituency representation.
- Increase contacts and visits of members to their constituencies.
- Develop a sector-specific training program for SSLA members according to their area of oversight.
- Poll SSLA members on their views of the appropriate approval process for executive appointments, and initiate a dialogue with the executive on amending the process if the results show this is desired.
- Increase interaction between commissions and the SSLA and clarify the SSLA's oversight role with regard to these bodies.
- Engage in party discussions on party line voting and disciplinary consequences.

1. **Law-making and executive oversight are the primary roles of the SSLA, according to members, who also say the difference between the legislative and executive branches is the SSLA's closeness to the people. There are mixed views on the SSLA's role in policy-making.**

Two roles, law-making and executive oversight, are most often cited when SSLA members discuss the primary functions of their branch of government. SSLA members also mention their role as representatives of the people, though less frequently. In speaking about the role of the SSLA versus the executive, the issue of representation becomes more prominent, with members citing it as the definitive difference between the two branches of government. Members highlight their closeness to the citizenry and suggest that they are the only branch of government that can articulate needs on the ground. The contrast between the legislature and executive can also be seen, SSLA members say, in their policy roles. However, SSLA opinions are not uniform on this issue. One view is that the SSLA is the source of policy-making for the GOSS and that the executive is the implementer. The other is that the SSLA simply reviews and approves policies made by the executive branch.

The main function of the SSLA is to make laws or draft bills and enact them into a law. (SSLA Member)

The SSLA is the oversight organ. The SSLA sees how the GOSS operates, whether GOSS is doing right things or not. The other role the SSLA plays is that the SSLA is the legislative body. In other words, the SSLA formulates laws and acts. (SSLA Member)

The Assembly, or the members of the Assembly, are the representation of the people (SSLA Member)

The executive cannot articulate the needs of the citizens. This can only be done by parliamentarians. (SSLA Member)

[The roles of the SSLA and executive] are quite different because the executive are only the implementers, while the SSLA is the source of decision-making and policy-making (SSLA Member)

The executive conceives ideas, policies and laws on how these policies are to be carried out. All these policies conceived by the executive come to us [the SSLA] and cannot become laws until discussed and passed by the SSLA. (SSLA Member)

- 2. Decisions on sector priorities are mostly a collaborative effort between the executive and the legislature, but SSLA members believe that the ultimate authority rests with the Assembly as the most representative body in the GOSS.**

SSLA members view the Assembly as the guardian of the government's priorities for Southern Sudan and say it is uniquely positioned to ensure adherence to these priorities. First, its membership includes all political, economic and geographic viewpoints. This ensures that government programs are evaluated from the widest perspective possible. Second, the representative nature of the Assembly legitimizes its role in making critical resource and priority decisions for the citizens of Southern Sudan. Members indicate that most sector priority decisions are made in collaboration with the executive and that the process is one of respectful negotiation with few enduring conflicts. However, they also make clear that, should compromise not be possible, it is their view that the ultimate authority to decide on priorities for Southern Sudan lies with the SSLA.

We do not impose on the executive. They are free to come with their own priorities. We can also have our own priorities. We balance this by cooperating or interacting with these ministries concerned. (SSLA Member)

The SSLA has to ensure that policies in line with the nation's priorities are passed. Definitely the parliament should be taking an authority [to decide priorities] because it stands for the people. It has to speak with a loud voice. (SSLA Member)

If the ministry comes up with policies, workplans and programs, and we believe that they are not very necessary, at the end of the day, what overrides is the priority. (SSLA Member)

The committees have the [ultimate] authority because they play a role of convincing the people, and plus, they can always vote something in or out. (SSLA Member)

- 3. Committees play an integral role in the SSLA, serving as the link to GOSS ministries and as the body's primary oversight mechanism. Sector-specific technical expertise is needed to improve the committees' ability to carry out their functions.**

Committees in the SSLA are organized by specialty areas, which correspond roughly to the GOSS ministries. This division of responsibility has worked well, according to members, because it makes the work of the SSLA manageable and allows each committee to gain expertise by sector. Common committee tasks include the review of ministry workplans and reports, the examination and recommendation of laws and the development of policy interventions. Committees also serve as the day-to-day link to the GOSS ministries. Members say that it is the duty of committees to interact with relevant ministries and to be the conduit through which these ministries communicate with the Assembly. The knowledge and expertise gained through close interaction with ministries in turn enhances the committees' ability to perform the SSLA's oversight function. It is clear that members

view the committee system as integral to the SSLA's ability to make a positive contribution to the government. However, a number of committee chairpersons indicate they feel hamstrung by their members' lack of technical understanding of some of the issues they are expected to monitor. Staff experts are seen as the solution, although most note there are no funds available for hiring.

Our committees are according to sectoral lines. These committees come up with ideas on what should be done in the different sectors. (SSLA Member)

[Committees] act as a link between the executive and the legislature. (SSLA Member)

We examine the laws relating to each committee, and we recommend the bill to either pass or give it back to the originators to be improved before it is brought to the Assembly. (SSLA Member)

My committee is related to eight ministries. I interact with each of these ministries and introduce their legislation to the Assembly. I co-ordinate their work with the Assembly, and the Assembly in turn depends on committees to relate to these ministries. (SSLA Member)

Together, the committees have collective oversight of the executive. (SSLA Member)

I need technical experts in the field of natural resources, land and environment, to help the committee in processing laws... [but] we do not have funds to do that. (SSLA Member)

- 4. The SSLA has been fulfilling its constitutional duty to approve executive appointments, but there is disagreement among members about the appropriate approval process going forward.**

As required by the Interim Constitution of Southern Sudan, executive appointments have been subject to approval of the SSLA. Members see the approval process as an important constitutional responsibility, and one that must continue to be respected. There is no agreement among members, though, on whether the executive appointments should be approved as a whole, with one vote on the complete list, or whether each appointment should be considered and voted upon individually. Some believe the Assembly's oversight functions are limited if there is approval of the list as a whole, but others question the feasibility of approving appointments one-by-one. One member notes that there is no need to argue about this issue because approval of any list of executive appointments can be delayed if members have concern about anyone on that list.

In the first formation of the government, we asked the executive to come forward with the list of ministers who got appointed, so that they are approved by the Assembly. (SSLA Member)

To say that the [executive appointment] list should be approved as a whole or rejected as a whole is not good. The American system of bringing one person to be approved is the best, and we should adopt that. (SSLA Member)

There is need for it [approval of executive appointments] to be done in totality, so that they do not delay the recruitment areas since any delays may cause problems. (SSLA Member)

At once and individually is the same thing For you to approve new ministers you have to scrutinize each individually and if you disagree with one then it becomes a problem. If you agree with them all, then at the end of the day you approve them all at once (SSLA Member)

- 5. The link between constitutionally-mandated commissions and the SSLA is not yet well-developed, members say. There is some confusion about SSLA jurisdiction over commissions and little interaction between them.**

Some aspects of the constitutionally-mandated commissions are clear to SSLA members. The commissions are part of the executive, they say, and have the power to draft laws, which in turn are brought to the SSLA for passage. Beyond that, members express confusion about reporting and budget lines for commissions and whether all commissions are answerable to the SSLA. Knowledge about commission activities among SSLA members is low, and most say they have not had extensive interactions with them.

Commissions are mini-ministries. They are answerable to the executive. They make the laws. (SSLA Member)

Whether they [commissions] report to the President directly or to the Vice President or through the Ministry of Presidential Affairs is confusing. Even their budgets are confusing (SSLA Member)

The ICSS only makes some commissions answerable to the SSLA. It is sometimes difficult for the SSLA to find out anything from such commissions. (SSLA Member)

Our interaction [between commissions and the SSLA] is not complete. Here as an Assembly, we supervise all of them, though the relationship is not properly built so we still need time. (SSLA Member)

Up to now we have never coordinated or communicated with them [the commissions]. (SSLA Member)

- 6. Ministers who double as Assembly members help strengthen the relationship with the GOSS, SSLA members say.**

Most SSLA members support having some ministers selected from within the Assembly, as they believe it makes a positive contribution to the political process. When this occurs, they say, links between the SSLA and the executive are strengthened through better communication and greater understanding of the workings of both levels of government. Some members say it also ensures that, in the future, some ministers¹⁸ have the legitimacy of having been elected by the people. A few members worry a dual role will mean that one job is neglected or that the minister-Assembly member will have split loyalties. It is appropriate, all agree, that minister-Assembly members have full voting rights in the SSLA.

¹⁸ All ministers are currently appointed, but those chosen from the SSLA after 2009 will have been elected to their Assembly positions.

It [having ministers who are also Assembly members] helps. These ministers need to be in the Assembly to know what issues have to be resolved, what programs have been approved and what priorities have been spelled out by the Assembly. (SSLA Member)

Some members of the executive are members of the SSLA, so that makes our work easy because in some cases they can be present during Assembly sessions. (SSLA Member)

It [having ministers who are also Assembly members] has the good of being the representative of the people and so you have the popular confidence of the people. The bad side is that you have a double allegiance. (SSLA Member)

It hinders their work because most of them [dual minister-Assembly members] do not attend parliament. (SSLA Member)

Ministers who are members have voting rights, but non-member ministers have no voting rights. (SSLA Member)

- 7. The Constituency Development Fund is supported by most SSLA members, who view it as a mechanism for bringing development to the rural areas. Proper safeguards are in place, they say, to prevent corruption.**

The introduction of the Constituency Development Fund (CDF) concept in Southern Sudan caused some controversy, but not among most members of the SSLA. The CDF has their full support because they believe it is one way to channel government funds to needy, and especially rural, areas. During the debate on the CDF concerns were expressed about the possibility of corruption, but members say appropriate safeguards are in place to ensure the funds go directly to local development projects. These include a committee at the village level that will determine what projects to fund and the central control of CDF monies by a committee in Juba, thus preventing any individual SSLA member from handling funds. One member interviewed strongly objects to the CDF, saying it will be used as a political tool by those seeking election. He also believes that it is not the role of the SSLA to “do development.”

I am one of the supporters of the fund, and the reason I gave is that development in government is full of bureaucracy...when I get the money, we will go and build that [local] hospital. (SSLA Member)

This [the Constituency Development Fund] is a positive step because it will enhance the development of rural areas. (SSLA Member)

The safeguards are developed in such a way that the Member of Parliament should not run away with the money. There will be a [local] committee that will decide what development project will be done with the allocated money. (SSLA Member)

I do not like it...I think these particular MPs who are not elected by the people want to use these funds to lobby the community. In fact, they are electioneering so that they get elected, and that is not right. It is still not right even after elections because it is not the place of the parliamentarian to do development. It should be left for the ministries. (SSLA Member)

8. SSLA members say the Assembly's internal rules and procedures are respected, but revisions are underway to address deficiencies.

The internal rules and procedures of the SSLA are followed, according to all SSLA members interviewed. However, most say these rules and procedures are in need of revision due to problems identified during the course of the Assembly's business in its first three years. They report that a committee has been formed within the SSLA to review and revise the rules and procedures.

Yes, those rules have been followed up very well. We have also discovered that those rules need to be amended, and there is a committee formed to do the job and will report back its findings to the Assembly. (SSLA Member)

There are those [rules and procedures] that have loopholes, and a committee has been formed to amend them. (SSLA Member)

9. Party caucuses play a positive role in the SSLA, according to members. There is no common understanding, however, on party discipline issues, such as compliance with party voting instructions.

All SSLA members interviewed agree that party caucuses are playing a positive role in the Assembly. At least thus far, the existence of the caucuses has not split the Assembly along party lines in significant ways. In fact, most members speak of the party caucuses working together cooperatively, particularly on national issues or in emergencies. Members have very different ideas, however, about how the internal procedures of the caucuses should address the issue of party discipline. Some members feel strongly that individuals should always have the right to vote their conscience within the Assembly. Others say that the party has the right to discipline any members voting outside the party position, including through dismissal. The reason that members do not share a common understanding of party discipline issues may lie in the response of one member who said, "We are still debating on what should be done to a member who defies it [the party's position]."

As a party leader we coordinate our efforts with the leaders from different political parties and people are united. We [parties] are making a positive contribution. (SSLA Member)

Party caucuses all work together...in the case of Darfur, the SSLA passed a resolution that the UN peacekeepers have to be involved, and that involved the whole parliament regardless of their party colors. (SSLA Member)

We are building democracy, and we do not want to see members being seen as subjective objects. We in the Assembly do not encourage cases of rallying behind a party if the idea is wrong...We [members of the SSLA] need to exercise free will. (SSLA Member)

Sometimes there is a penalty for defying a position of a caucus and sometimes not. (SSLA Member)

If that [voting against the party line] happened, he or she will be dismissed from the party. (SSLA Member)

10. There is no uniform opinion among SSLA members about quality of representation provided to constituents.

SSLA members vary in their judgment – from excellent to poor – of the quality of representation constituents receive. Much is dependent upon the individual member, they say, but there are three primary obstacles that prevent better constituency representation. First, the skill level of some members is low due to lack of education, and this inhibits their full participation in the Assembly's business. This may be solved, one member notes, by the planned 2009 elections if voters choose better educated candidates to represent them. Second, some SSLA members believe their constituents have unrealistic expectations for development. The suggestion of one member for overcoming this obstacle is educating the public on development timelines and the role of the Assembly. The last obstacle members cite is one of communication and infrastructure. Some members simply are not able to reach parts of their constituency with any frequency.

[Constituents are] well-represented. The majority of members are experienced and are former MPs.
(SSLA Member)

Individually [SSLA members] are different [in how well they represent their constituents]. Some are good, some excellent and some are doing a poor job. (SSLA Member)

We have members of parliament who were sent here by the SPLM as a way of compensating them... some are illiterate and cannot cope... maybe when we go for elections next time the communities will know who to send [to the SSLA]. (SSLA Member)

People are fearing to visit their constituencies because of deliverables. There are too many expectations of the people. They want to see a school, a hospital today not tomorrow... They need to be educated and told the truth. There is need for rallies. (SSLA Member)

Communication and accessibility because of the poor roads and the flooded areas [are obstacles to better constituent representation]... These problems can be overcome through making of better infrastructure
(SSLA Member)

11. The planned 2009 elections will transform the SSLA into a more authoritative and effective body, according to members, though its mandate will stay the same.

SSLA members are looking forward to the 2009 elections, which they believe will bring positive changes to the Assembly. Having won a mandate from the people will make the SSLA stronger and embolden individual members, they say. The Assembly's capacity will increase as well, according to members, because the population will choose more experienced and better educated representatives. The constitutional duties of the SSLA will remain the same, however, and so members do not foresee the elections causing any significant changes to the body's core functions.

The members will be mandated by the people, and therefore the SSLA will be stronger.
(SSLA Member)

Definitely, there will be different political dynamics [after elections]. Those who will come back [after the elections] are the real representatives of the people. Maybe they will speak with a different tone. (SSLA Member)

I think it [the SSLA] will be more democratic and more accountable because these are people who are elected by their own people. I think it will be more effective because...people are ready to differentiate who should be in the SSLA and who should be in the state assembly in terms of caliber, education, professionalism and ability. I think it will play a much more effective and better role. (SSLA Member)

The personnel may change, but the fundamentals of any given parliament remain the same: to legislate and oversee the government's budget. (SSLA Member)

12. The three main requirements for a stronger SSLA, according to members, are capacity building, greater government recognition of the body's independence and increased commitment among legislators to serving the needs of the people they represent.

Members say they require both training for themselves, including exposure to other legislatures, and the hiring and development of capable staff. Capacity alone, however, will not lead to a stronger SSLA. They also say that the role of the Assembly as an independent institution must be recognized and respected both by those within it and by the other branches of government. Finally, members note that to truly realize its mission, the SSLA must be more committed to fulfilling its role as the representative of the people.

We can strengthen it [the SSLA] through capacity building because capacity was lost during the war. This needs to be strengthened through training. (SSLA Member)

Training and bringing experts in as legal advisors and assigning them to committees [will strengthen the SSLA]. (SSLA Member)

We as an institution should know we are independent and responsible for the formulation of laws according to what is in the constitution for service to our people. (SSLA Member)

We must fulfill people's needs within the limitation of the budget. (SSLA Member)

We are also here to make everything easy for our citizens. Bills brought to us should be able to be passed without delay. (SSLA Member)

X. CIVIL SERVICE

SUMMARY:

The establishment of a GOSS pension system is a priority for state officials, who say they will not be able to significantly reduce their workforce without it. Few officials are willing to dismiss state employees in the absence of pensions because they do not believe it is fair and fear it will create insecurity. There are mixed views on whether merit-based hiring rules are being enforced but almost all agree it is the right approach. Equally mixed views exist on whether ethnicity plays a role in hiring. Among those who believe it does, some say the emphasis on ethnicity will naturally disappear over time. Others think that eliminating ethnic considerations requires the passage of laws and enforcement of hiring regulations. There is support for the idea of twenty-five percent representation of women in government, but most do not believe it can be achieved in the short-term due to the small pool of qualified female candidates. Most object to the hiring of women only to satisfy a quota, saying that Southern Sudan cannot afford unqualified workers at this stage in its development. The general consensus is that women will get their fair share 'in time' as they become more educated. Some officials, though, believe that it is the government's duty to speed the advancement of women through targeted training, civic education programs and the passage of laws that address harmful cultural practices. Overall, the key to a stronger government workforce, officials say, is large-scale training programs and commitment to merit-based hiring.

RECOMMENDED ACTIONS:

- Prioritize the passage of pension legislation in the SSLA.
- Enforce merit-based hiring regulations.
- Define how the twenty-five percent quota for women's representation applies to government employment.
- Develop civil service guidelines for hiring women and educate officials on their implementation.
- Devise a comprehensive, multi-phased and multi-year strategy that outlines a clear path to the realization of the mandated quota for women's representation in government.
- Devote increased resources to government training programs.

- 1. A functioning pension system is of the highest priority for state officials. Down-sizing the government payroll cannot take place without it, they say, and future state development and security depends upon it.**

There is unanimous agreement among state officials that the establishment of a government pension system should be one of the top GOSS priorities. The lack of a functioning pension system is, they say, a stumbling block to any real progress in their states. The quality of the government workforce cannot be improved unless aged and unproductive workers are given a pension to make room for more qualified and energetic staff. Security cannot be guaranteed if workers are laid off without benefits.

And development cannot get underway if money is always diverted to cover bloated payrolls that cannot be reduced because there is no pension system. Few state officials express a willingness to lay off workers under these conditions, despite recognition that over-employment is a crippling budget issue. In their minds, providing eligible government employees with a pension after years of service is the only fair and moral thing to do. Passing a pension act in the SSLA is, therefore, viewed as of the utmost importance, even though some understand that funding a pension system may present GOSS with a budget dilemma. GOSS officials generally agree that a pension system is important, although two of the officials interviewed feel that state pensions should be handled at the state level, and one believes that better safeguards against illegitimate pensioners need to be in place prior to launching the system.

I think it should be a high priority; we should streamline it in terms of service and benefits so they [laid off employees] do not suffer. (GOSS Minister)

It [a pension system] is a priority of the state because we are facing over-employment. You cannot lay off people without knowing that you have a means to take care of them after leaving the job. (Top State Executive)

It [a pension system] is a big priority and it is a must. Without that you will not achieve improvement. And without that we will not catch up with development. (Top State Executive)

This is a big problem. The GOSS should put it [a pension system] as a priority. Give them their dues to go and start businesses to avoid insurgencies of those laid off – the strong can rebel and carry arms against the government if dissatisfied. (State Director General)

Pensions should be given high priority because those who were working when we were still studying are currently occupying the government positions, which should have gone to the young and energetic civil servants. Knowledge obtained in the 1960s is not valid nowadays. (State Minister)

I think the pension should be suspended for a while and screening made for the available manpower; then they can go ahead with pension and this can be done by using a mechanized system – take photos, issue identity cards. (GOSS Director General)

2. There are mixed views on whether civil service regulations on merit-based hiring are being followed. However, almost all government officials support merit-based hiring as the correct approach.

Among state and GOSS officials, opinion is evenly divided between those who indicate that civil service requirements to hire based on merit are being followed and those who say they are not. Compliance aside, almost all see merit-based hiring as a policy the government must fully embrace to secure its future, and some report they are already undertaking greater efforts to move in this direction. The only contrary views among the interviews conducted are held by Warrap state officials and one official at the GOSS level. Most officials in Warrap state believe that equal distribution of government jobs among the different ethnic populations of the state is a fairer and more representative way to fill government positions. In addition, some Warrap officials and the GOSS official feel strongly that any merit-based hiring system leaves out a critically important aspect of a person's experience, namely their

participation in the conflict. These few officials feel that it is neither moral nor prudent to ignore the sacrifices made during that time.

People are hired on the public service regulations. If there are cases other than this, it is not GOSS policy. (GOSS Director General)

This system [merit-based hiring] is completely followed. Once the policy of hiring employees based on merit came out, we started employing based on that criterion. (Top State Executive)

It [merit-based hiring] has not been implemented. (SSLA Member)

No, the merit system has not been fully followed so far. Corruption jumps into the criterion of hiring public servants. (SLA Member)

This [merit-based hiring] is followed for the new recruits. We are trying to use the new criteria. This is advertising and asking for credentials, selection boards and so forth. (Top State Executive)

They are trying to put things in place [for merit-based hiring]. There is a committee that is working in putting things in order, and they have gone to all 10 states. (SSLA Member)

According to the CPA and constitution there should be equitable distribution of power...when we are going to recruit [government employees], we will set a policy that distribution should go to the counties whereby our people represented¹⁹...so that they can feel happy that they are also represented.
(State Minister Warrap State)

It [merit-based hiring] will bring problems because there are those who fought for long who abandoned their school half-way, and they went to war and they fought for those years which made this peace to be available. How do you think they would feel if they were thrown out because they lack qualifications or have no PhD? What will be the outcome of this? You will increase the crime, looting and everything because they are having guns...it will be like Somalia, and you know this is a fragile area considering the tribalism and nepotism we have. (GOSS Director General)

3. Government officials have mixed views on whether ethnicity plays a role in hiring. Among those who believe it does, some say the practice will disappear with time, while others say it should be addressed more aggressively through laws and stricter enforcement.

Members of state legislative assemblies are more likely to say ethnicity is considered in hiring, but other state officials disagree on whether it is an important consideration. Of those who think that ethnicity does play a role, all dismiss it as an inappropriate employment criterion. Culture and tradition are said to be at the root of continued tribalism in employment, which makes the issue especially difficult. As one SSLA member said, "It is not easy to handle." The hiring of officials' relatives appears to be the most pervasive practice. Some officials believe that this practice will disappear with time, but others suggest a more aggressive approach, such as the passage and enforcement of laws and stricter monitoring efforts, is needed.

¹⁹ The state minister is referring to the different ethnic populations in the state.

We have a no discrimination policy of hiring different ethnic groups. Everybody is employed according to his or her certificate and the ability to perform the job. (Top State Executive)

In this institution, we consider qualifications that an individual has acquired. Ethnicity does not feature anywhere near the qualifying criteria [for employment]. (GOSS Director General)

Tribalism in Southern Sudan is a big problem, especially the Dinka and Nuers. According to our culture, when you have no people behind you, people will simply say you are not a man. So, how do we solve that issue right now? To me, it is time to depart from tradition. I completely support merit-based employment. (Top State Executive)

You have the minister from one tribe, the undersecretary from the same tribe, the key directors from the same tribe. So, I'm sorry to say that very few [ministries] have followed the [civil service hiring] criteria. (GOSS Minister)

There is a lot of tribal favoritism and nepotism which is a real danger. We must combat it and bury this issue. (SSLA Member)

It is a big problem so far. Not only that the system favors an ethnic group, but some government officials went far in hiring only those who are related to them. We want to revive public service laws surrounding employment and have strict rules of enforcing those laws. (SLA Member)

We are trying our best to limit biases in employment. Nobody is immune from this topic. But the good thing is that time will catch up with us and I believe it will go away. (Top State Executive)

Although civil service hiring regulations do exist, there does not appear to be a standardized approach to hiring among government officials. The explanation of one GOSS minister of his hiring criteria is illustrative of how some officials develop their own customized approaches. He lists his hiring criteria as: (1) eligibility – “you must have a degree”; (2) experience; (3) regional balance – “for the unity of the country, you must have regional balance...so if five of you come from one tribe, I will employ two or three and reserve two more places for when somebody turns up from another tribe”; (4) gender balance – “I encourage gender in these positions”; and (5) balance between Civil Administration for the New Sudan (CANS) and Southern Sudan Coordinating Council (SSCC) – “I must ensure there is balance so I am not accused of only employing people who were in the SPLM.”

- 4. The twenty-five percent quota for women's representation in government is supported, but most officials see it as a long-term, rather than immediate, goal. Hiring of women solely to satisfy a quota is not acceptable to most. Many say women will get their fair share 'in time,' but a significant minority of officials believe this must be sped along by government-sponsored interventions.**

Almost all officials interviewed indicate support and even enthusiasm for the concept of twenty-five percent representation of women²⁰ in government. Many say they take the target seriously, but only a

²⁰ Government officials have different interpretations of what the ICSS and the CPA require in terms of women's representation in government. Some believe the 25% quota is limited to constitutional' positions, some to all top civil service positions and some to all government jobs, regardless of level.

few indicate they have undertaken specific actions, such as training programs, to increase the number of women in government. Even fewer report success at reaching the desired quota. In addition, one top state executive official notes that simply fulfilling a quota is not necessarily proof of a policy that promotes the advancement of women. He said, “We think that the number of women employees is even more than that of men, but the problem is that women may be in the lower end of the employment, and what we want is to have more women in higher positions in the government jobs.”

Gender representation is critical to civil service, not only to political positions. (GOSS Minister)

Twenty-five percent is good. It is the right of women, and they should get it. (SSLA Member)

If women have qualifications, they should be involved in everything. Women do their job, and they don't play with their country. Her role is very big and we make any effort to hire women. (Top State Executive)

We are making efforts by training more women before putting them to work. This year in our state, more girls attended university than boys. As time goes by, more women will come to work in government positions. (Top State Executive)

It [hiring of women] was tried, but it is not good enough. We will never develop if we leave the women behind. (SSLA Member)

The primary reason for the failure to achieve the twenty-five percent goal, government officials say, is the small pool of educated and qualified women. In fact, of the ten Southern states, only Central Equatoria reports having sufficient numbers of women applying for government employment. Officials seem unsure about how to fulfill their obligation in the face of a lack of female talent. However, the vast majority believe strongly that hiring large numbers of women to satisfy a quota is not acceptable and must especially be avoided at this nascent stage of the region's development. As a result, most report that they hire women strictly based on qualifications and that in most cases no special preference is given to female employees. Only a handful of officials spoke of solutions that could be interpreted as some form of affirmative action, such as the GOSS minister who said that the government must “give priority to women” in hiring.

We appreciate letting women come to work, but the problem is, are they ready to do the work? We have been welcoming people, especially women, to apply for positions, but they are not applying. On the technical side, they are not there. (Top State Executive)

In our state we don't have enough qualified women. Upper Nile was predominantly an Arab enclave. Women were deprived of education. So, you cannot fulfill the requirement of twenty-five percent. (State Minister)

The problem of hiring women is the capacity. For example, if you hire women, it will only increase the quantity and not quality. The women who are learned can be hired. (Top State Executive)

In my capacity I always do back employment of qualified women instead of unqualified because if we tend to just fulfill the 25 percent allocated to them by CPA without considering the merit at the end of the day we will end up with nothing done. (SLA Member)

The goal of twenty-five (25) percent representation simply cannot be reached in the short term, according to most. Officials suggest that only intensive training and years of education will result in a sizable pool of qualified female applicants for government positions. There are no guidelines of which officials are aware that instruct them on the means by which they are to achieve the 25 percent quota outlined in the CPA and the ICSS. In the absence of that, most view the quota as an ideal that will have to be reached at some point in the future. In outlining their solution to women's representation in government, most officials use vague language – saying for example that women should be 'encouraged' to go to school – and do not specify any programs or government interventions that should be undertaken to ensure the 25 percent mandate is achieved. A significant minority, however, believe it is the government's role to devise a strategy that will bring gender representation in government into compliance with the ICSS and the CPA. Specific suggestions include government-sponsored training and education programs, civic education campaigns and legislation at the GOSS-level to eliminate harmful cultural practices.

All the women should be encouraged to go to school and later we will have women graduates. Then they will get their share of employment and their percentage. (Top SLA Member)

Women must go to school and earn much such that in future time they occupy bigger offices and be able to be competent enough when it comes to competition with men. (State Minister)

The number of women could be increased by hiring more women that are qualified first. Second, we need to consider the ability of women that have no qualification but are capable to work. Third, we must train our women to make them prepared for experience needed for public office in the state. (Top State Executive)

A database should be created so as to know the number of women, and awareness should be created so as to enlighten the women of their rights. A law should be developed for the 25 percent, and communicated to the women during a forum for women. (SSLA Member)

They should make laws to fight cultural aspects that are not favorable to girls in society. They should create policies so as to see to it that women are assisted, and this should be in line with the ministries of Welfare and Education. (GOSS Director General)

The government with the support of all should create awareness amongst women that the education of women is very vital. The slogan of 'let all go to school' must be promoted. (Top SLA Member)

5. Intensive training and employment based on merit are the keys to improving the quality of the GOSS workforce, officials say.

Government officials believe that much effort should be placed into improving the quality of the GOSS workforce. The vast majority say this can best be achieved through a systematic and large-scale training program for government employees at all levels. In addition, many government officials say that merit-based hiring procedures must be strictly followed to ensure that new recruits meet the standards for their position. Even prior to that, some officials think that screening of the current workforce and pensioning off older workers is a necessary first step to improving overall quality.

Training [is needed to improve the workforce]. (GOSS Minister)

Capacity building is required to improve on the quality of the workforce. (Top State Executive)

The quality of the state's workforce should be improved through the training of personnel and recruitment of capable and qualified personnel and above all, fairness in employment procedures should be encouraged and strongly promoted. (Top SLA Member)

To increase the quality of the workforce, employees should be hired on merit regardless of age and sex. This will help very much in getting quality output and work efficiency. (SLA Member)

Improving the quality [of the workforce] is just pensioning the old age and replacing them with skill workers who are competent to perform the work well. (State Director General)

XI. CORRUPTION

SUMMARY:

Officials say corruption is a problem at all levels of government. Misuse of public funds, favoritism in hiring and the existence of ghost names on government payrolls are examples of corruption that plague government offices. However, officials do not see corruption as an insurmountable problem. In fact, they express a strong desire to fight corruption and say that serious efforts are already underway to address it. Reducing corruption will require efforts from both the GOSS and the states. Solutions officials suggest include developing financial controls, enforcing merit-based hiring rules and punishing offenders. The one mechanism that almost all see as vital to reducing corruption is the Anti-Corruption Commission and its state counterparts. However, little progress has been made in the establishment of these important bodies, some say.

RECOMMENDED ACTIONS:

- Make passing the Anti-Corruption Commission legislation a priority.
- Support state efforts to impose stricter financial controls.
- Determine and communicate standard guidelines for the prosecution of corruption cases.
- Enforce merit-based hiring regulations.

1. **Officials acknowledge the existence of corruption in government yet they also affirm strong political will to address the problem. Fighting corruption is seen as a joint GOSS-state responsibility, with suggested solutions ranging from financial controls to merit-based hiring to punishments that can act as a deterrent.**

There is no doubt, most officials at both the GOSS and state levels say, that corruption is a problem – and some declare it a big problem – at all levels of government. Some officials link it to slower-than-expected development in Southern Sudan and thus believe reducing corruption deserves serious attention. The three most common definitions of corruption used by government officials are: misuse of public funds, favoritism (whether tribalism or nepotism) in civil service employment and the existence of numerous “ghost names” on the government payroll. In the latter case, these names may exist as a result of corruption by relatively low level employees who collect multiple salaries or by high level officials who pad the workers’ roll in order to pocket the excess. Officials say this and other forms of financial corruption are made possible by a lack of appropriate control mechanisms. Despite their significant concern about corruption, government officials do not see it as an insurmountable problem. In fact, they not only express a strong desire to fight corruption but also say that serious anti-corruption efforts are already underway. A very small number of officials think that the level of corruption has either been exaggerated or allegations of corruption are being used by some for political purposes.

It [corruption] exists in all levels. (GOSS Minister)

There is corruption, which is a big problem. (SSLA Member)

Corruption exists, leaving no office behind. Unfortunately, it is at all levels of the government.
(State Director General)

I think it exists and is big because it is taking away money from common people. At each level you do not know how big it is, but it is a big concern. It comes from a lack of competent mechanisms to monitor the flow of resources. (Top State Executive)

Corruption is not only embezzlement of money. Tribalism and nepotism is really a problem; it does exist. It is quite a big problem because if you look at Southern Sudan, there is not much that has been done in terms of development and delivery of services. (State Minister)

There is inflation of fictitious names in the pay sheets. This is one of the things we want to do to get rid of this corruption. (SLA Member)

There is corruption in Southern Sudan, but at the same time it is easily uprooted if the executive really cooperates with the SSLA. (SSLA Member)

I cannot talk about other states and the GOSS, but here in this state the entire cabinet and the Governor are very serious in the issue of corruption. (Top State Executive)

Yes, corruption exists, but I think there is a big degree of exaggeration about it.
(GOSS Undersecretary)

Some people talk of corruption simply because they have a political agenda they want to pursue
(Top State Executive)

GOSS and state officials understand that fighting corruption will be a joint effort. State officials expect the GOSS level to pass appropriate laws and institute financial control standards, and GOSS officials expect the states to oversee compliance with corruption reduction policies and to investigate and prosecute local corruption cases. Government officials offer a number of specific proposals to combat corruption, but most fall into four categories. Tighter financial controls and increased auditing capabilities are seen as a critical first step. State officials, in particular, believe it is the lack of rules, or understanding of those rules, as well as the lack of proper monitoring of cash flow that is at the root of much of the corruption in their areas. Some state officials believe the new laws and regulations are needed to fight corrupt practices, while others think that existing rules simply need to be enforced. A second area that needs attention, some officials say, is employment. In their view, merit-based hiring and screening of the current bloated government rolls will resolve most corruption issues. On the issue of 'ghost names,' many officials claim that efforts to fight this specific form of corruption are already underway and have achieved significant results. Legislators, whether at the state or GOSS level, highlight their role in fighting corruption. Oversight of government activities and investigation of corruption allegations through questioning of accused parties are the two areas in which they say legislative bodies can contribute most to the anti-corruption effort. Finally, almost all officials speak of

the need for strictly enforced penalties for those found guilty of corruption. However, there is a wide variety of opinion on the appropriate degree of punishment, with some saying that dismissal from government service will suffice and others advocating tough prison sentences, including the death penalty.

This [fighting corruption] is a collective responsibility and both governments [states and GOSS] must join efforts to tackle it. (Top State Executive)

[Corruption is a] big problem. We should strengthen the audit chamber, and the culprits should be taken to task. A leadership code of conduct should be instituted, and there should be a declaration of wealth before assuming power. (Top SLA Member)

The people who hold big positions in the ministries should take on a national direction where they give employment in terms of merit and not in terms of tribalism, nepotism and bribery. (GOSS Director General)

We in this state have started a war against corruption through the screening of ghost names. Now we have achieved 30% reduction of the pay sheet as a result of screening phantom names. (State Minister)

At the SSLA, the committees have to make sure that there is an accountable and transparent government. (SSLA Member)

My suggestion to this problem is to take whoever is found guilty to prison and refund that money back to the government. (Top State Executive)

You know what makes us fear is tough policies and laws. [For example] if you wounded your brother intentionally, you are taken to the firing squad. If that was done for two days everybody would follow the laws. I know the human rights group will come and say this is inhumane, but for you to establish the system you must be ruthless from the beginning so that you make a firm foundation by following legal procedures. (GOSS Director General)

2. Many officials place their faith in the government's ability to reduce corruption through the establishment of the Anti-Corruption Commission and its state counterparts. However, some say there has been little progress in this area.

The one mechanism that almost all see as vital to reducing corruption is the Anti-Corruption Commission and its state counterparts. The symbolism of having a commission devoted exclusively to the corruption issue appears to be very important to officials, who believe it demonstrates the issue is being taken seriously by the highest levels of the GOSS. However, a number of officials say that little progress has been made in actually establishing the GOSS Commission and to a lesser extent the state commissions. As a result, they view the passage of the Anti-Corruption Commission legislation as a priority.

I believe in the policy statement of the Government of Southern Sudan – zero tolerance of corruption. As a result, we have an institution just to check corruption – the Anti-Corruption Commission – and different committees in the SSLA, like public accounting so the safeguards seem to have been put in place. (GOSS Minister)

I think the corruption seems to be dropping with steps taken by the Government of Southern Sudan to form the Anti-Corruption Commission. (Top State Executive)

The corruption is too high. The Anti-Corruption Commission which is at the GOSS level has not been established. Although it is in our constitution, it has not been established. (SLA Member)

They have established a department of Anti-Corruption. I think they should now go to their business. They have already been appointed, though they have not yet started. (State Minister)

We need to pass the bill on corruption, and it is still with the Ministry of Constitutional Development. (SSLA Member)

XII. SECURITY

SUMMARY:

Civilian disarmament and border protection are the top security priorities for state officials. Equatorian officials also say it is vital to address insecurity caused by interactions between soldiers and civilians. Officials in the ten Southern states have differing views on the role of the Ministry of Interior. This confusion causes some to suggest that clarification of powers between the Ministry and state law enforcement is required. Almost all agree, however, that the Ministry's assistance in training police is critical to improving state security.

RECOMMENDED ACTIONS:

- Create a forum in which states and the Ministry of Interior can discuss security roles and responsibilities.
- Continue and expand civilian disarmament programs.
- Open a dialogue between the SPLA leadership and Equatorian state officials on the role and behavior of soldiers.

- 1. Disarmament of civilians and protection of borders should be top security priorities for the GOSS, according to most state officials. Officials in Equatorian states add a third priority: better control over interactions between civilians and SPLA soldiers.**

Security issues differ from state to state and are mostly dependent upon geographic location and local tribal relationships. The two security issues mentioned as most problematic by state officials are small arms in civilian hands and border security. In the view of officials in states where tribal clashes remain a persistent problem, the GOSS must prioritize civilian disarmament and pass laws to clarify rules on gun ownership. For states with international or North-South borders, the greatest concern is border security. Officials in these states say the borders are porous and lack the necessary SPLA troops to guard them. This task is made all the more difficult, state officials say, by the lack of definitive borders. As a result, officials in these states believe that border troop deployment and border demarcation should be top GOSS priorities. A third security issue is raised by officials in the Equatorian states. While border issues and disarmament are important to them, they are also concerned about the interaction of SPLA soldiers and civilians. They say that the lack of soldier discipline, the lack of clarity on the role of soldiers in local administration and law enforcement and the mixing of civilians and soldiers cause significant insecurity.

The security is confused and in a dilemma. GOSS should tell us very well in this state about who should keep guns and why. All these issues need clarification between the state government and GOSS.
(Top SLA Member)

Issue number one is insecurity. The disarmament in the state is the responsibility of GOSS. We need the GOSS to be serious about this to secure our state, because with insecurity there is no development. (SLA Member)

We need the GOSS to help us deploy security forces along the borders. If not, then we should be given approval to recruit and train our own state security personnel. (Top State Executive)

The report of the land demarcation between the borders is very important, specifically the land demarcations between this state and other states and between this state and Northern Sudan. (SLA Member)

Soldiers have now become the security threat, and they have been known for their misdeeds causing insecurities. (Top SLA Member)

2. **There is no common understanding of the role of the GOSS Ministry of Interior among state officials, some of whom suggest clarification is needed on the role and powers of soldiers and GOSS police in the states.**

The security roles of the GOSS Ministry of Interior, the SPLA, and the states are not viewed consistently across all areas of Southern Sudan. Some officials say that the division of responsibilities is clear – states have control of state security and the GOSS monitors international borders and can be called upon by states if assistance is necessary. Others, however, believe that the security roles of the GOSS and states are much less clear in practice. Several state officials recount situations where they believe the GOSS has overstepped its role in state security matters. Especially problematic appears to be the relationship between the Interior Ministry and the state police forces. There is a high level of confusion on where the Ministry's powers begin and, more importantly, end in the states. Some officials believe the Ministry of Interior has full control over all law enforcement in all Southern Sudan states, but others say that state police forces are under the direct control of the states, not the GOSS. As a result, some call for a clarification of the functions and powers of SPLA soldiers, GOSS police and state police. Officials in Equatorian states report more problems with interference from the Ministry in local police matters than do other states. Almost all state officials agree, however, that the Ministry's continued guidance and input is needed at the state level. Ministry training and resource support for state police forces is seen as critical to improving state security.

There is no need to clarify that [role of the Ministry of Interior] because all powers are made clear by the constitution. (Top State Executive)

What we need to clarify is that internal security is the work of the states, but border security and the inter-state security is GOSS security in the hands of SPLA. (Top State Executive)

Security needs to be clarified. For example, we tried to eject Ambororo out of our state recently, but the GOSS has interfered with our powers, rebuking us from doing so. We were doing this because they were a threat to our security in our state. (State Minister)

The Ministry of Interior is responsible for the whole South Sudan police. If I want police, I first write to GOSS requesting them to reinforce my police. (Top State Executive)

The Ministry of Interior assumes much power. Most of the direct administration payments and training all comes from Juba. The constitution states clearly that it is the governor of the state who appoints the commissioner of police, but it is not happening, (Top State Executive)

*The Ministry of Interior is the overall and should be charged with the task of training police and deploying them. States have insufficient funds to train and organize police and its structures.
(State Director General)*

XIII. CPA, CENSUS & ELECTIONS

SUMMARY:

Government officials fully supported the SPLM in its decision to temporarily withdraw from the GONU in October 2007, and some officials believe the move demonstrated the party's democratic maturity. The few officials who were dissatisfied with the decision say either that it allowed the NCP to have free reign in the GONU or that the SPLM failed to consult smaller parties. The majority of government officials believe the CPA will hold until the 2011 referendum, though they do not expect implementation to go smoothly. A significant majority of officials, however, believe the NCP has already demonstrated its intent to renege on the agreement. Commitment to negotiation with the NCP is strong among government officials even in the face of CPA violations, in part because they view the international community as a guarantor of the negotiation effort. The results of the census are viewed by officials as critically important to Southern Sudan because they will offer a true accounting of the South's population, allow proper allocation of resources and provide the basis for important determinations, like constituency boundaries, for the elections and the referendum.²¹ Government officials have a number of concerns about the planned 2009 elections, including the potential for rigging to spark violence, the need for proper border demarcation, the desire for more Southerners to return and the need for massive civic education. These concerns make many officials suspect that the elections will be delayed.

RECOMMENDED ACTIONS:

- Launch a major civic education campaign ahead of the 2009 elections.
- Intensify efforts to demarcate North-South borders.
- Step up the return of Southern Sudanese to the region through provision of increased funding and human resources.
- Identify strategies to mitigate the possibility of election-related violence.

1. **Government officials express near unanimous support for the SPLM's decision to temporarily withdraw from the Government of National Unity in October 2007, saying it was necessary to save the CPA. The use of diplomacy rather than arms demonstrated democratic maturity, some say.**

The lack of trust in the NCP as a partner and its reputation of having abrogated past agreements lead many government officials to conclude that only a hard line by the SPLM will result in the full implementation of the CPA. Thus, almost all supported the SPLM's decision to withdraw from the GONU in October 2007. They also believe that the SPLM had made a good faith effort to negotiate with the NCP over differences on CPA implementation but that those had been rebuffed, leaving only

²¹ Most interviews were conducted prior to the census.

the option of withdrawal. Several officials made the point that the GONU's sole reason for existing is to implement the CPA and that, in the absence of implementation, there was little cause for the SPLM to remain in the government and little cost to leaving it.

This [withdrawal from the GONU] is a very, very good decision because there is no way we can deal without pressure because this peace came through pressure and implementation of the CPA will be through pressure. (Top State Executive)

Yes, it [withdrawing from the GONU] is a well-calculated decision because the NCP were almost taking this CPA like other agreements in the past, like the Addis-Ababa agreement. (SSLA Member)

I think that [withdrawing from the GONU] was 100% correct to give pressure to Bashir to think. Because if Bashir is not implementing the CPA, then what is the point of having the government in the North? (Top State Executive)

The CPA is binding and the partners must implement, so non-implementation led to withdrawing. It is clear. We should implement it [the CPA] as it came. It came with a price of over 2 million people dead. (GOSS Minister)

The fact that the SPLM reacted to its most serious challenge in the post-conflict period with words and not guns represents a milestone to some government officials. In the past, they say, a non-violent approach would have been inconceivable. Thus, the decision to withdraw from the GONU indicates to them a maturing of the SPLM from a movement to a political party with a now demonstrated commitment to use democratic and diplomatic channels for conflict resolution. In addition, some officials who were interviewed following the re-unification of the GONU feel that the SPLM's strategy has paid dividends, both in terms of resolving some contentious issues and signaling to the NCP that the SPLM will not hesitate to take strong action to defend the CPA.

During the war I was on the other side of the arrows and really know them. The steps that the SPLA took is the soft approach and diplomatic. I never expected that they could take such decisions, and I see it was very appropriate for the SPLM. (State Minister)

That is one of the theories of non-violence. You draw the attention of the people that there is a serious issue. Then approach the problem by boycotting. Before, when our people had an issue that they wanted to address, they resorted to the gun. That is an undemocratic and uncivilized way of doing things. (Top State Executive)

Withdrawal from GONU was a good move. By doing so it put more pressure on NCP to implement parts of the CPA that need to be implemented. This is now clear to them that if the CPA implementation is not working the SPLM will withdraw again. (Top State Executive)

- 2. The handful of government officials that express dissatisfaction with the SPLM decision to withdraw from the GONU offer two reasons: the withdrawal allowed the NCP to have free reign in the GONU, and the SPLM failed to consult smaller parties in its decision.**

Of the few officials who express objections to the SPLM's decision, one group feels the withdrawal left the NCP to act with impunity on issues relating to the South and other marginalized areas of Sudan. The other group did not disagree with the ultimate decision but did take offense that the SPLM failed to consult smaller parties in the GOSS prior to publicly announcing its withdrawal.

I don't agree with them [the SPLM] withdrawing from the GONU. They stopped while the other partner is working and passing whatever they want. There are many other ways and alternatives to push the issues, such as the IGAD partners. The withdrawal led to more marginalization in other parts of Sudan. (Top SLA Member)

I would have thought they [the SPLM] would have consulted other Southern parties so that the decision comes very powerfully, but some parties are saying they were not consulted. They would have given better advice, but deciding and then asking for our opinion afterwards is not fair. (GOSS Official)

The end result of the decision [to withdraw from the GONU] is correct, but the process both internal and external is incorrect. The SPLM is the majority party in the GOSS, but it has seven other parties participating in the government. They should have consulted, but they did not do that. (SSLA Member)

- 3. Most government officials have some level of confidence that the CPA will hold, though they believe that getting to full implementation will be a long and difficult process. A significant minority, including some top state officials, believe the NCP has already demonstrated its intent to renege on the agreement.**

While not discounting the possibility of a collapse of the CPA, many government officials convey a measure of confidence that the CPA will last until the date of the South's self-determination referendum. However, few believe the road to 2011 will be a smooth one. Most government officials believe the future of the CPA depends on the degree to which the NCP decides to act in good faith, but many question its political will to do so. Overall, there is cautious optimism that the CPA will inch along and that the two partners will slowly, but surely, reach compromises on all outstanding issues. The issue that most cite as the toughest, and likely to be the last resolved, is that of Abyei.

The CPA will not fully collapse. It will go on, but to me the road is very bouncy. (Top State Executive)

I think the North is not happy. It might try various ways to derail the process. I think there will come a time when they will give up and say let them [the South] go. (SSLA Member)

We are still to follow the CPA. The CPA is crucial to all people living in Sudan. I believe that the CPA will still be there until the referendum. Despite my optimism, the NCP is not clean in its approach to the CPA. (State Minister)

The CPA will take place, but the issue of Abyei will take long (SLA Staff Member)

Although the majority of government officials at different levels express cautious optimism that the CPA will remain in force, there is a significant minority of officials – and specifically state officials – who have a darker view. These officials, including some top officials at the state executive level, believe the NCP has already demonstrated its intention to renege on the CPA through its words and continuing violations of the agreement's provisions. This feeling is not exclusive to officials in North-South border areas, but these officials are slightly more likely to take a negative view of the CPA's viability.

The CPA is in a coma because border demarcation is not implemented and the withdrawal of troops took some time to be done. The NCP is illegally funding the Misseriya militia to wage war against the Southern Sudanese. As a result of those, the CPA is on the verge of collapse.
(Top State Executive)

In my own opinion, the CPA will not work in the long run. The NCP is not sincere on its dealing with Southerners. Today, it may seem that you are in a complete agreement but as you walk away from the negotiating table, the NCP will try to bring new agendas and begin to abandon what has been agreed. Based on this analysis, the CPA will not reach the end of the interim period.
(Top State Executive)

There are people in the North against the CPA. I am predicting the worst for the CPA.
(State Minister)

4. Government officials oppose using violence in response to CPA violations. Rather, they are committed to negotiation and view the international community as a key partner and guarantor of the negotiation effort.

Government officials indicate a strong preference for negotiation over violence, despite immense frustration with the slow pace of CPA implementation. War weariness and the SPLM's commitment to peace have convinced some officials that a non-violent solution must be found. One of the solutions most often cited by government officials is the intermediation of the international community. There is a high level of faith that the international community will continue to be an effective broker of peace between North and South.

People are tired of war because a lot of them have died. They are fed up with war. They will instead stick to the CPA. (State Minister)

None of us would want the CPA to collapse such that people go back to war. I believe that there will be a solution...and this could be achieved through dialogue and transparency. (SLA Member)

The commitment of the international community to support SPLM efforts to implement the CPA is more important than the commitment of the NCP. (GOSS Minister)

The issues highlighted [in the CPA] will be achieved because we are knocking at the doors of international communities to listen to us and listen to our cries. (Top State Executive)

5. A true accounting of the South's population, the use of that data to allocate resources and the role of the population count in elections and the referendum are what make the results of the census so critically important to Southern Sudan, government officials say.

All view the census as vitally important to Southern Sudan and its future. Based on the responses of government officials, it appears that the lack of a "true" number for the Southern Sudanese population is an issue that has chafed for many years, especially since some believe the number assigned by Northern officials is low. Government officials are also keen to better understand the population distribution in the South and are especially focused on the census data's ability to help them target resources for development. In addition, officials who believe their state hosts a higher population than others are happy the census will provide proof of their need for a greater share of GOSS resources. Finally, government officials link the release of the census data to their ability to fairly review the boundaries of counties, to create constituencies in preparation for the 2009 elections and ultimately to make important determinations about the referendum.

This [the census] is important because Sudan is being established, not on real grounds but on lies and unreality. We want to know whether we are all Arabs or Africans or mixed. We want to know whether we are producing or stagnant. We want also to see that resource allocations are based on the reality of population. (Top State Executive)

It [the census] will reveal a lot of things about the South, the population. You see they always put us at 3 million, 4 million, but I am sure we are more than 12 million. (GOSS Minister)

It [the census] is important to know in terms of allocation, in terms of services and even in terms of knowing our status. We need to know our real status because we need not to do guess work. (SSLA Member)

The census is very important because it will help us to know our number for the creation of counties and constituencies in preparation for the elections. (Top State Executive)

It [the census] will determine the constituencies and the referendum. We need to know our numbers to determine borders. Borders, elections and referendum, all these are tied to census. (GOSS Minister)

6. Government officials have a myriad of concerns about the planned 2009 elections, among which are rigging, the slow pace of border demarcation, the slow return of Southerners and the need for massive civic education. Because of these issues, many suspect the elections will be delayed.

Viewed as the basis for Southern Sudan's democratic transition and as a stepping stone to the referendum, there are few things more important to government officials than the planned 2009 elections. However, officials see a myriad of potential problems with the elections. Rigging is a primary concern because of its potential to spark Kenyan-like ethnic conflict. Others are worried that the results of the elections will be adversely affected if more Southerners do not return from abroad and the North. The 2009 election's national scope makes some uncomfortable as it requires the cooperation of the NCP and the North. One official recommends holding elections separately from the North if delays get too onerous. Many view large-scale civic and voter education for Southerners

as a prerequisite for successful elections as is the demarcation of borders - both between North and South and between Southern states - and the disarmament of civilians.

My concerns are that if elections are rigged then people are going to fight, so we need to set up very good election policy regulations that will be transparent and accountable and monitored by independent bodies. (Top State Executive)

My concerns about the 2009 elections are the return of our people whether in the North or abroad. We may lose all our desires if these people are not there amongst us to boost our number. (State Director General)

My concern for 2009 elections is very high because it is a critical issue for both the SPLM and NCP. If we were to be Southerners alone, I would believe that the elections will successfully occur, but with the North, I am not quite certain about the success of elections. (SLA Member)

We need to have mass sensitization and get help from the international community. We need to enlighten women on the electoral laws as they constitute the bulk of the voters. (SSLA Member)

I think it is important to have borders demarcated, both the North-South border and between states. (State Director General)

The disarmament issue is very important. We cannot go for the election while guns are carried around. (SSLA Member)

The comment of one state legislative assembly member – “I believe the elections will be held on time because the cost of not holding the elections is heavier than the cost of holding elections” – powerfully articulates the importance of holding timely elections for Southern Sudan, and some agree that no effort will be spared to ensure the elections will be held on schedule. However, many government officials reveal they are skeptical that the elections can be held on time. First, they cite their experience with the delaying tactics of the NCP during the census. Second, they point to the many issues requiring resolution prior to any election, including border demarcation, an election law²² and designation of constituencies, among others. Finally, with the large numbers of Diaspora, IDPs and refugees still residing outside of the South, some believe it would be too costly, in a political sense, to conduct an election without them.

Oh, definitely [2009 elections will be held on time]. The SPLM is committed to holding the elections because, again, it is one of the most important provisions of the CPA. Without the elections we cannot transform politically. (GOSS Minister)

The planned 2009 elections, according to the CPA, must be held on time, but with difficulties it may delay as we have already seen in the delaying tactics of census. (State Minister)

²² Following the completion of this research, a national election law was passed.

The 2009 elections will not be held on time as long as the borders are not demarcated, oil points are not defined, if the census is not successful and if the Abyei problem remains unsolved. (Top State Executive)

No [the 2009 elections will not be held on time] unless the outstanding political problems are solved. (SSLA Member)

I really doubt [2009 elections will be held on time]. It's likely to delay because the returnees and the IDPs have to go to their places – then election will follow. Before elections these have to be registered. (State Director General)

XIV. SOUTHERN UNITY

SUMMARY:

The state of unity among ethnically diverse Southerners is good according to most government officials. However, some in the Equatorian states believe that tribalism remains a significant obstacle. All officials agree that more focus should be placed on strengthening Southern unity, and many call for a comprehensive civic education program to fight tribalism. Overcoming tribalism will also require inter-tribal dialogues, anti-discrimination measures and tribal integration efforts.

RECOMMENDED ACTIONS:

- Revitalize South-South dialogue efforts to promote a sense of common purpose among Southerners.
- Develop a comprehensive plan to mitigate the negative impact of tribalism through multiple interventions, both locally and region-wide.

- 1. Unity among the ethnically diverse population of Southern Sudan is strong, according to most government officials. However, a significant minority of state officials – and particularly those in the Equatorian states – rate Southern unity considerably lower, citing tribalism throughout society and government. All agree that more must be done to bring Southerners together.**

By the measure of most government officials, Southerners are as one said, “generally united.” Most officials say tribal clashes have decreased significantly since the signing of the CPA, and efforts are being undertaken to reduce these further. Even stronger proof of unity, they say, is the political cooperation Southerners have demonstrated through the establishment of the GOSS and the willingness of different ethnic groups to accept its authority. Most attribute the high degree of unity among Southerners to their desire to support and protect the CPA. However, some officials – primarily those in the Equatorian states – rate unity among Southerners as only fair or worse. They say their opinion is supported by continuing tribal clashes and, more broadly, by the specter of tribalism in all social and political interactions.

The unity among Southerners is excellent. For the first time in our struggle for equality and justice in this country, Southerners never trusted themselves like what I am seeing today. It is amazing to see Southerners supporting the GOSS with all their hearts even though there is some dissatisfaction with the GOSS. (State Minister)

There are many people in the South who think that the CPA is their own best interest, and they want to protect the CPA at all costs. Therefore, they unite behind the CPA in order to protect it. This in turn brings a strong unity among them. (Top State Executive)

We have all along known ourselves as tribes. We have never known ourselves as a nation. We are in a learning process. That is why our enemy can easily exploit our tribal differences and succeed, but the SPLM managed to overcome that. (SSLA Member)

The unity is fair, but not really because it is a fragile unity. (Top State Executive)

Unity is still a big problem, therefore it is poor because the rate of tribalism is very high. People pay more allegiance to their tribes and fail to see the value of unity in Southern Sudan.
(State Director General)

Regardless of how high or low government officials rate the current state of Southern unity, all agree that more effort has to be put into strengthening it. Recommendations range from local to government-wide interventions. On the local level, government officials call for conferences, chiefs committees and disarmament to resolve the tribal conflicts and cattle rustling problems that remain a persistent source of instability in parts of the South. More generally, officials support widespread civic education programs to 'preach unity,' overcome harmful tribal stereotypes and convince Southerners that unity is important to their future. Anti-discrimination measures are important as well, and government and political parties are cautioned to be especially vigilant in monitoring tribal discrimination within their ranks. Finally, officials say corruption has a corrosive effect on Southern unity due to its tendency to disproportionately benefit one ethnic group over another. Thus, adherence to good governance standards is seen as another tool to increase unity among the ethnically diverse population.

Fight tribalism because there is no tribe better than the other, and if you want to be united perfectly you should fight tribalism. (Top State Executive)

The issue of tribes must be left behind and Southerners must integrate in Southern Sudan as one people.
(Top State Executive)

Tribal conflicts should be discouraged; disarmament should take its course. Dialogue among ethnic groups can be initiated as a tool of resolving disputes. (Top SLA Member)

Southerners need intensive civic education which outlines good governance, integration and importance of unity, such that citizens realize it is to their advantage, not disadvantage. (SLA Member)

The GOSS [needs] to practice representative government whereby people from all ethnic lines are represented in all sectors of government. (SLA Member)

The only thing that can keep us from splitting is good governance if we follow the administrative policies, and we avoid this corruption. (Top SLA Member)

XV. GOVERNMENT AND THE MEDIA

SUMMARY:

Government officials believe that a free media is a vital part of Southern Sudan's developing democracy. Media is prized by officials for its role in educating and enlightening a largely illiterate population spread across vast distances. SSLA and SLA members are more likely than GOSS and state executive officials to mention 'watchdog' as one of the media's roles. Officials say the Southern Sudan media has done a good job, especially given its nascent stage. Their only criticism is that its reach is still far too limited. For that reason, radio is especially appreciated. Most government officials say the media has the right to report stories that are embarrassing to the government or its officials as long as they are truthful. However, a significant number also believe that legal remedies should be sought against those who report false information.

RECOMMENDED ACTIONS:

- Provide more information about the role of media in a democracy to government officials.
- Initiate a dialogue between government officials and the media about the 'watchdog' role of the press.
- Increase the understanding of government officials about appropriate responses in a democracy to cases of libel or other misinformation from the media.

1. Media is key to the success of Southern Sudan and an important partner in facilitating good governance, officials say. The existence of free media is viewed as a sign of the South's budding democracy.

Many government officials say that the importance of media in Southern Sudan cannot be overestimated. Likened to the fourth branch of government, the media is viewed as an essential player in the region's social, cultural and political development. Indeed, an opinion often expressed is that the GOSS would be hard-pressed to do its job without the Southern Sudanese media. Government officials fully appreciate its power and ability to instantly disburse information to a population that is distributed across vast distances. Electronic media is particularly praised for its role in informing a highly uneducated and illiterate population. Some officials also see the existence of a free media in Southern Sudan as a demonstration of the government's commitment to democracy.

I believe that media is the fourth power of government after the executive, the legislature and the judiciary. Media plays a very important roles in sensitization, educating people, connecting citizens with their government and shedding light on government performance. (State Minister)

Media is a weapon. Without the media you won't be successful in many areas. Media addresses several issues. One is to see exactly what is democracy and how people can exercise their rights; two, is to enable the people to know what is happening in the states in the South; and three, is to know what is happening in the CPA. Without the media, you won't know all these. (Top State Executive)

Well, first of all it is enshrined in our constitution – freedom of thought, freedom of expression, freedom of the press. It is important for democracy. (GOSS Minister)

Media can help us in so many things. It can help us in providing good governance, improving the environment, on health issues, like the food we eat and hygiene, and on development. The media can help us even fight the war between the North and the South. (SSLA Member)

2. In defining the role of media in Southern Sudan, most government officials describe its primary function as educating and enlightening the people. Fewer officials cite its role as 'watchdog,' though legislators are more likely than executive officials to do so.

Many officials believe the media has an obligation to educate and enlighten the population because of the low level of knowledge among Southern Sudanese. As one state legislative assembly member said, "Media in all forms is a teacher." The media's mandate to teach encompasses numerous topics that officials see as critical to Southern Sudan's political and social development. These include the basic tenets of democracy, the rights of the individual, development (education, health and agriculture in particular) and the CPA, as well as educational programming that promotes peace and unity among Southerners. Apart from these areas, the media's educational role, according to officials, also extends to communicating the policies and actions of the government. However, it is unclear in response to this question whether or not officials are speaking of using media as a mouthpiece. Only one official went as far as to suggest explicitly that the media should, "be a voice for the policy of the Government of Southern Sudan."²³

Media is very important in educating people. (SLA Member)

In the case of Southern Sudan, our people must know about the CPA, about the census. It is only the media [that can do this]. (GOSS Minister)

[Media's role is] to inform people on the right way. Southern Sudan media is playing a role in educating people and also creating an awareness to understand a lot of issues they have not heard before and that they are not aware of. (State Minister)

The job of the media is very important since it plays awareness roles and informing the people. Information is also an aspect of development. (Top State Executive)

Media plays a great role. It tells people exactly what the government is doing like how the government is fighting corruption, among others. (State Minister)

²³ Quotation is from an interview with a State Director General.

Media has an accountability and transparency function, according to some government officials. Most often this response came from members of the legislative branch, whether at the GOSS or the state level. Legislators speak of the key role the media plays in being a 'watchdog' and a guardian for the people. They are also more likely to cite the constitutional guarantee of freedom of the press as a key component of Southern Sudan's developing democracy.

The role of the media in a democracy is to expose things whether they be bad or good for the interest of the citizen. (Top SLA Member)

The media is a watchdog. It can tell the public of the negative aspects of the government because the government cannot be excellent or good all the time. It's their role and it says in the constitution that the media should be independent. (SLA Member)

Media is also a watchdog which tells the people what is done good and bad. (SSLA Member)

Media is very, very important actually. Democracy is transparency and accountability, so media should take that to inform people on all issues which are negative that will take us back and issues that are positive that will take us ahead. (Top State Executive)

3. The Southern Sudanese media receives high marks from officials for the job it has done since the establishment of the GOSS. Radio is seen as the most effective and appropriate medium. The only major criticism of the media is its limited reach.

Government officials feel that the Southern Sudan media is doing a good job, particularly given its relative youth. The media is lauded for its contribution to the political and social development of the population as well as its vital role in connecting remote areas of the South to the world. The high rate of illiteracy makes radio the most important medium in Southern Sudan and the one that deserves the most support, officials say. FM radio stations are highly prized by officials from states that have them and highly desired by those whose states do not. Sudan Radio Service's shortwave service remains an important link to rural areas in many states. Television is viewed as expensive and the Internet as reserved for elites.

Despite being young the media in Southern Sudan has played a crucial role so far of informing citizens about the CPA, particularly. (Top State Executive)

In my opinion media has really improved in informing the public by reporting the social and political activities of the day. (Top State Executive)

Among all the other types of media, I think radio does a good job in reporting the news. Even in the remote areas, one can be in a position to tune into the radio and listen to the news, especially the BBC and Sudan Radio Service (SRS). (SLA Member)

The media in Southern Sudan is doing a great job. For example, our state has access to the outside world through Miraya FM. That has given us a lot of programs. (Top State Executive)

I think that for our people radio is important. First of all, anybody can buy these \$10 Chinese things where you can put on FM and listen. (GOSS Minister)

Where the media fails in Southern Sudan, according to some, is its reach. Government officials say their main concern about the media is that they simply want more it. Media expansion and government efforts to empower and strengthen media are viewed as important to the future of the South. This feeling is especially strong in certain North-South border states, where much of the local population still listens to radio stations from Northern Sudan.

They've [media] done a good job but they've been limited... there are now plans to expand.
(GOSS Minister)

It is not enough, media should be strengthened. The papers, radios, TVs should be empowered, but right now they are at the beginning stage. (SSLA Member)

The job they have done is very little because every state should have media.
(SLA Member in Unity State)

The media now is centralized in the North. We should also have our own media in order to enlighten the public. But here we have only [Radio] Omdurman.
(SLA Member in Northern Bahr El Ghazal)

State officials indicate the media they monitor is primarily radio. If an FM station is available in the state capital or other town, it is likely to be their first choice for news about Southern Sudan, although some also monitor Sudan Radio Service (SRS). If an FM station does not exist in the state, officials are likely to rely on SRS for news and educational programming. Radio Omdurman is monitored by state officials in North-South border areas, although some do so reluctantly, believing the station is not objective. Only a small number of state officials indicate they monitor Southern Sudanese newspapers regularly and even fewer say they watch television for news. The British Broadcasting Corporation (BBC) is by far the most listened to external radio station among state officials. GOSS and SSLA officials in Juba say they rely primarily on newspapers for their Southern Sudan news, although most also monitor the local FM stations. They also report an allegiance to external radio services, such as BBC.

4. **Most government officials stand firmly behind the right of the media to report embarrassing but true stories about the GOSS or its officials. A significant minority, however, say that legal remedies should be sought against media that report false information.**

According to most officials, media has the right to criticize government and government officials, if the information is truthful. In fact, some officials say the media's reports of misdeeds in Southern Sudan are a useful tool in helping bring about government reform. Honest reporting of negative stories, they say, helps ensure that government continues to work for the benefit and interest of the common citizen.

That [reporting negative things] is normal; that is democracy. (Top State Executive)

If the whole [embarrassing] story is true, it doesn't matter... it is the role and right of expression that the media has. (Two SSLA Members)

If [media] talk about some bad information about the government then this is good because this is one way of fighting corruption. Say if an official has embezzled money or government cars, it will make them refrain from their bad habits. (State Minister)

I would appreciate it [reporting an embarrassing story] because it will make those who are guilty to improve on their mistakes. (Top State Executive)

If it [an embarrassing story] is correct, it should be done [reported]. It is another way of reform. (GOSS Director General)

Some officials acknowledge the rights of the media but support laws or regulations to ensure responsible reporting. Others note that they would prefer an embarrassing matter be privately addressed rather than appear in the media, especially if the matter relates to a high-level official like the President. A significant number of officials also speak of using legal remedies against the media for any false information or for stories that it cannot prove. Many with this view say that going to court would be their first line of defense in combating a false story.

We are all human beings, and people in the GOSS are also human beings. The best thing to do is to ask that person to resign. You may not need to embarrass him further. (Top SLA Member)

If it [a story] is true but embarrassing there are levels of government positions, certain positions you don't just criticize right away. You go and advise. (Top State Executive)

Media plays a positive role in democracy, but as we are in a developing country, it should experience sanctions here and there. (State Director General)

The media should produce evidence [in an embarrassing story] or be taken to courts for lack of evidence. (SSLA Member)

The media must report what is true about the government. If the media reports something that is not correct, the person reporting the case must be investigated and removed from his or her workplace. In addition, the media that has such a reporter must also be held accountable. (Top State Executive)

APPENDIX A: INTERVIEW STATISTICS

Total Number of Interviews	115
Total Number of State Officials	95
Total Number of Executive Officials	11
Total Number of SSLA Officials	10

Total Number of Interviews By State	95
Central Equatoria State	11
Eastern Equatoria State	11
Jonglei State	8
Lakes State	9
Northern Bahr El Ghazal	9
Unity State	9
Upper Nile State	10
Warrap State	8
Western Bahr El Ghazal	9
Western Equatoria State	11

Total Number of Interviews by Position	
State Officials:	
Governors	5
Deputy Governors	9
State Secretary Generals	5
State Director Generals	12
State Ministers	15
SLA Speakers	10
SLA Committee Chairpersons	33
SLA Clerks	6
GOSS Executive Officials:	
GOSS Ministers	5
GOSS Director Generals	3
GOSS Undersecretary	2
GOSS Secretary General	1
SSLA Officials:	
SSLA Speaker	1
SSLA Committee Chairpersons	9

APPENDIX B: INTERVIEW QUESTIONNAIRE

Note: The questionnaire below was used with state officials. Somewhat different questionnaires were used with SSLA members and GOSS executive officials.

Questionnaire for State Officials

Interviewee Name: _____ (NOT to be included in report)
 Name of Office: _____ (Governor's Office, Ministry, etc.)
 Position Level: _____ (Minister, Undersecretary, etc.)

I. ROLES & POWERS

1. Let's talk about the autonomy of the states within in the de-centralized GOSS system. How much autonomy do the states have from the central government in Juba and in what areas?
 - i What are the areas where you think the states do not have autonomy?
2. Currently, is this state fully exercising its autonomy as you have described it?
 - i And on the other hand, is the central government in Juba currently respecting the autonomy of this state as you have described it?
3. Have there been any cases thus far of tensions or disputes between the GOSS and the state governments in terms of the autonomy of the states (i.e., the powers the states can exercise without central government involvement)? If so, please describe these.
4. Do you feel there is any need to clarify the powers or competencies of the GOSS versus the state governments? If yes, what needs to be clarified and how would you do it?
5. States have been instructed by the central government in Juba to only communicate with the Government of National Unity through the central government structures. What do you think of this...is this an appropriate instruction or not?
 - i Is this state following this instruction?
 - i Does this state have an office in Khartoum? If yes, what are the benefits to this state of having the office? Will this change given the central government instruction?
6. In your opinion, how should the principle of autonomy for the states be balanced against the need for the GOSS to provide assistance to the states given their lack of experience and expertise in certain areas?
 - i Is there a need for greater GOSS involvement in state government during the early years of

their development? If yes, please give me an example of the type of involvement you are talking about. Also, tell me how you would ensure that the GOSS does not violate its commitment to a decentralized government in this instance.

II. AVENUES OF COMMUNICATION -- GENERAL

1. At the Governors' Forum in May 2007, it was agreed that the states should submit quarterly performance reports to the central government in Juba. What do you think of this? To your knowledge, has your state submitted a quarterly report yet?
 - i If yes, how was it received by the GOSS? Did you receive any feedback on it?
 - i If no, what is the reason for this? What obstacles do you face and how can these be resolved?
2. Likewise, at the same meeting, it was agreed that states would submit weekly security reports to the central government in Juba. What do you think of this? To your knowledge, is your state regularly submitting the reports?
 - i If yes, how are these reports received by the GOSS? Do you receive feedback? What would you do to improve the security reports and interaction with the GOSS on the reports?
 - i If no, what is the reason for this? What obstacles do you face and how can these be resolved?
3. Also, at the May 2007 Governors' Forum, it was agreed that the Ministry of Information would be charged with the task of improving communications between the GOSS, that the Ministry of Presidential Affairs would be responsible for establishing a formal day-to-day contact for the states in the GOSS and that the states would be responsible for choosing a day-to-day contact within each state for the GOSS. To your knowledge has any of this occurred?
 - i If yes, what is the result? Has it improved communication between the GOSS and the states? If yes, how? If no, why not?
 - i Has this state named its day-to-day contact for the GOSS? If no, why has this not occurred? What are the obstacles to establishing the contact?
4. Please give me an example of an instance in which you think the communication between the GOSS and this state government has worked well and why.
5. Please give me an example of an instance in which you think the communication between the GOSS and this state government has not worked well and why.
 - i What are the major obstacles to better communication between the GOSS and this state government? How can these be fixed or improved?
6. Overall, how would you rate the communication between the GOSS and state governments – excellent, good, fair or poor? Why did you choose that word?

III. AVENUES OF COMMUNICATION – SPECIFIC EXAMPLES

1. How does language affect communication between the GOSS and this state government?
 - i Does the distance your state is from Juba affect communication between the GOSS and this state government? [NOTE: NOT RELEVANT TO CENTRAL EQUATORIA]
 - i Other than language, does ethnicity play a role in either aiding or impeding communication between the GOSS and this state government?
 - i Does having an NCP Governor affect the quality or quantity of communication between the GOSS and this state government? [NOTE: RELEVANT ONLY TO STATES WITH AN NCP GOVERNOR]
2. How are policy decisions or provisional orders made by the GOSS communicated to this state government? Is this working well or not working well? How can it be improved?
3. How are laws passed by the SSLA communicated to this state government? Is this working well or not working well? How can it be improved?
4. How have policies on procurement regulations been communicated to your state? Has this communication been sufficient? What are you doing to ensure the procurement rules are known and enforced in your state?
 - i Have the procurement agents hired by the GOSS under the Multi-Donor Trust Fund been deployed to your state? If no, why not? If yes, what has their impact been?

IV. BUDGET PROCESS & TAXES

1. What tensions or disputes have resulted from the role of state governments in the GOSS budgeting process?
2. The ideal budget process (discussed at the May 2007 Governor's Forum) is: (1) the GOSS provides a budget with a ceiling for funding that will come from the GOSS to the state; (2) the states to consult with their counties and come up with a strategic plan and budget that reflects the state's priorities; and (3) the plan and budget is forwarded to the GOSS to be considered in the planning for the overall GOSS budget. The state's plan and budget for 2008 was supposed to be forwarded to the GOSS in September or October of this year. To your knowledge, did this happen? If not, why not?
 - i What do you think are the biggest obstacles for having the budgeting process work as described above? What are your suggested solutions for these?
 - i What is the timeframe for getting to ideal budget process as described above?
3. What is the role of the GOSS Ministry of Finance in aiding the states during the budget process?
 - i Do you feel they have performed this job well or not?
 - i Has the Ministry issued any guidelines on budgeting? If no, why not? If yes, have these been useful to the states? Why or why not?

4. What other assistance is being provided to your state on the budgeting process?
 - i What further assistance is needed?
5. Overall, what problems do you know of regarding the transfer of funds from the GOSS to your state government?
 - i What are the issues, if any, with your state's ability to utilize the funds and then account for the funds? How can these be addressed?
 - i What have been the issues on the GOSS side, if any, in getting transfers to your state, particularly in critical areas like health and agriculture? How can these be addressed?
 - i Are the transfers to your state sufficient? Why or why not? How can this issue be addressed?
6. Please discuss the general allocation [block grants] your state receives versus the earmarks for specific activities.
 - i What is the appropriate mix of general allocations versus earmarks to your state?
 - i What tension has there been, if any, between your state government and the GOSS on the issue of general allocations versus earmarks? Please provide specific examples.
7. The Local Government Board has suggested that 10% of block grants from the GOSS go directly to counties in your state. What is your opinion of this? What are the positives and negatives?
8. When conditional grants [earmarks] are transferred to your state are they used for the purposes the GOSS and its ministries have outlined? If no, what are they used for and what are the primary reasons the grants are diverted to other uses? Does this need to be fixed? If yes, what would you suggest?
9. What do you think of the idea of incentive grants for states whereby your state would receive more money based on their performance with such things as past grants or with reaching certain goals in key sectors?
10. What specific assistance is needed from the GOSS to your state on the issue of expanding the state revenue base and tax collection?
 - i How will this be accomplished?
 - i Describe how you see the citizenry responding to the idea of taxes. Would taxes include taking no money items for payment (such as crops, etc.)?
 - i Describe how you would go about collecting taxes. Would traditional authorities be involved?

V. SECTORAL LINKAGES

1. What linkages are there between line ministries at the GOSS level and the same ministries in your state?
2. The ICSS says that ministers at the GOSS level must collaborate and establish good working relations with corresponding ministers in your state. Do you feel that this has been done? If not, do you feel it is important to do so?

3. [FOR STATE MINISTRY INTERVIEWEES] Describe the relationship you have with your counterpart ministry in the GOSS.
 - i How are GOSS policies related to your sector communicated to you? How do you act upon this information?
 - i How do you communicate your priorities in this sector to your GOSS counterpart ministry?
 - i What are the issues in terms of financial transfers to your state for projects in this sector?
4. Name three things that you think can be done to improve the relations and communication between line ministries at the GOSS level and the same ministries in your state.

VI. RELATIONSHIP WITH THE SSLA

1. What is the appropriate relationship, if any, between the SSLA and this state government?
2. How should this state government interact, if at all, with the SSLA in relation to the budget process?
3. What is the appropriate relationship, if any, between the SSLA and state assemblies?
4. Are there any areas of tension or dispute in terms of powers between the SSLA and the state government or the SSLA and state assemblies?

VII. CIVIL SERVICE

1. How high of a priority do you think the GOSS should place on providing pensions to civil service workers in your state so the payroll can be reduced to the required 10,000 employees? Give me an example of what you think it is more important than (in terms of your state's priorities) and what it is less important than.
2. The public service values outlined by the GOSS include a requirement to hire government employees without bias and based on a criteria mostly relating to merit. Do you feel this requirement is followed and that government employees are hired based solely on merit in this state? If not, what other factors come into play?
 - i How is ethnicity handled in the hiring of government employees in this state? Does it play a large role in the hiring process or not? What, if any, suggestions do you have related to ethnicity and hiring in for government positions?
3. What is your view of your state's effort in relation to the hiring of women into government positions as required by law?
 - i What are your suggestions for increasing the number of women in government?
4. What are your suggestions for improving the quality of your state's workforce?

VIII. MISCELLANEOUS ISSUES

1. Please share with me your opinion on corruption in the government at all levels (GOSS, state and local). Does it exist? How big a problem is it or not? What is your suggestion for dealing with the problem?
2. What is the role of this state government versus the GOSS in fighting corruption in this state?
3. What are the key issues that need to be clarified between the GOSS and this state in relation to security?
 - i What are the powers of the Ministry of Interior versus those of the state police forces in this state?
4. On a scale of 1-5, with 1 being poor and 5 being excellent, how would you rate the performance of the GOSS as a whole? Why did you choose that number?
 - i What is the one issue you think is most critical to address in order to make the GOSS a success? What solution would you suggest for this issue?
5. On a scale of 1-5, with 1 being poor and 5 being excellent, how would you rate the performance of this state government? Why did you choose that number?
 - i What is the one issue you think is most critical to address in order to make this state government a success? What solution would you suggest for this issue?
6. On a scale of 1-5, with 1 being poor and 5 being excellent, how would you rate the unity that exists among ethnically diverse Southerners? What did you choose that number?
 - i What is the one issue you think is most critical to address in order to ensure that the South does not split along ethnic lines?
7. What is the relationship between this state and other state governments? Is there any consultation between states about policy issues? Have you formed any alliances with other state governments?

IX. NATIONAL ISSUES

1. What do you think of the decision taken by the SPLM to recall its ministers from the GONU?
2. What is your prediction for the CPA? Will it be possible to find resolution on the issues the SPLM has highlighted? If yes, how and when will these issues be resolved?
3. How important do you think it is to hold the census? Do you believe the census will take place (if so, when)? Do you think the census absolutely must be conducted before elections can be held?
4. What are your concerns about the planned 2009 elections? Do you believe they will be held on time? Why or why not?

X. MEDIA QUESTIONS

1. What do you see as the role of media in a democracy? What role does it play specifically in Southern Sudan's effort to build a democracy?
2. What do you think of the job that the media in Southern Sudan has done thus far? Is there a difference between the quality of radio media versus TV media versus print media? Which outlets do you think do a good job and which do not do a good job of reporting the news?
3. What type of news topics do you think the media should be reporting?
4. When there is a conflict between the media and the government or government officials, how should this be handled?
5. Which media outlets do you monitor most closely in relation to news about Southern Sudan?
6. What is your opinion of Sudan Radio Service (SRS)? How often would you say you tune into SRS – daily, three times a week, once a week, not often or never? [If 'not often' or 'never'] Why do you not turn into SRS on a regular basis?

XI. CONCLUSION

1. What are the top three things you would suggest to improve the overall relationship between your state and the GOSS?
 - i. Are there any other comments you would like to make about the relationship between the GOSS and your state?



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